

OUTLINE PROPOSAL FOR A SUCCESSFUL GREASE REMOVAL PROGRAM

PART A. OUTLINE OF PROGRAM

I. DUE TO FOUR (4) BASIC PREMISES, THE PUBLIC'S INTEREST IN THE MUNICIPAL SEWER COLLECTION SYSTEM, MUST BE PROTECTED:

- FATS, OILS AND GREASE (FOGs) REDUCE THE CAPACITY OF THE MUNICIPAL COLLECTION SYSTEM OVER TIME BY ACCUMULATING ON THE INTERIOR WALLS OF THE PIPES.
- FOGs INCREASE THE POLLUTIONAL LOAD THAT MUST BE TREATED AT THE PUBLICLY FUNDED TREATMENT FACILITY. THIS INCREASES THE COST OF TREATMENT.
- THE ACCUMULATION OF FOGs WITH THE MUNICIPAL PIPING SYSTEM INCREASES MAINTENANCE COST DUE TO THE NEED FOR SEWER CLEANING AND PHYSICAL REMOVAL AT THE TREATMENT FACILITY.
- COMMERCIAL FOOD ESTABLISHMENTS HAVE THE GREATEST POTENTIAL FOR INTRODUCING FOGs INTO THE MUNICIPAL COLLECTION AND TREATMENT FACILITIES.

II. THE GREATEST POTENTIAL FOR INTRODUCING FOGs INTO THE SYSTEM ARISES FROM:

- ALL FACILITIES PREPARING, PROCESSING, OR SERVING FOOD AND/OR FOOD PRODUCTS.
- COMMERCIAL FOOD PREPARATION ESTABLISHMENTS: RESTAURANTS, NURSING HOMES, BOARDING HOUSES, HOSPITALS, SCHOOL CAFETERIAS, BUTCHER SHOP, ETC.
- INDUSTRIAL FOOD PREPARATION AND/OR PROCESSING ESTABLISHMENTS: SLAUGHTER HOUSES, POTATO CHIP AND FAST FOOD PREPARATION COMPANIES, FROZEN FOOD MANUFACTURERS, ETC.

III. THE FOLLOWING STEPS MUST BE UNDERTAKEN TO CONTROL LONG TERM COSTS ASSOCIATED WITH MAINTENANCE PROBLEMS RESULTING FROM FOGs IN THE MUNICIPAL SEWER COLLECTION SYSTEM:

- A FACILITY MEETING THE CRITERIA MUST POSSESS AND MAINTAIN A PROPERLY SIZED FOG REMOVAL SYSTEM.
- A FOG REMOVAL SYSTEM ALREADY IN PLACE MUST BE PROPERLY SIZED.
- AN EXISTING FACILITY WITHOUT A FOG INTERCEPTOR MUST CONTACT THE COUNTY PLUMBING OFFICIAL.
- THE PLUMBING OFFICIAL WILL NOTIFY THE WASTEWATER MANAGEMENT DEPARTMENT'S DESIGNEE.

- THE WASTEWATER DEPARTMENT AND BUILDING DEPARTMENT WILL IMPLEMENT A SEWER USE/WASTEWATER DISCHARGE PERMITTING PROCESS.
- EXISTING FACILITIES WITHOUT A FOG REMOVAL SYSTEM WILL HAVE UP TO NINETY (90) DAYS TO INSTALL A REMOVAL SYSTEM.
- ALL APPLICABLE LOCAL PLUMBING AND CONSTRUCTION CODES SHALL BE FOLLOWED DURING REMOVAL SYSTEM INSTALLATION.

IV. THE FOLLOWING MAINTENANCE SCHEMATIC MUST BE FOLLOWED BY A FACILITY MEETING THE CRITERIA.

- THE FOG REMOVAL SYSTEM MUST BE COMPLETELY CLEANED AS NEEDED OR A MINIMUM OF ONCE EVERY THIRTY (30) DAYS FOR IN-GROUND UNITS.
- UNDER THE SINK UNITS MUST BE CLEANED DAILY.
- MORE FREQUENT CLEANING MAY BE REQUIRED IF DISCHARGE CONDITIONS WARRANT.
- A FACILITY MUST KEEP FOG REMOVAL SYSTEM CLEANING RECORDS ON FILE AT THE FACILITY THAT INDICATE THE FOLLOWING:
 - CLEAN OUT DATE AND TIME OF DAY
 - NAME OF FIRM PERFORMING CLEANOUT
 - SIGNATURE OF OWNER/OWNER'S AGENT
 - RECEIPT FROM FIRM PERFORMING CLEANOUT WITH SIGNATURE OF FACILITY OWNER/OWNER'S AGENT AND SIGNATURE OF PERSON PERFORMING CLEAN OUT
- EMULSIFIER USE MUST BE PROHIBITED SINCE THEIR USE SERIOUSLY REDUCES FOG REMOVAL SYSTEM EFFICIENCY.
- HOT WATER FLUSHING TO CLEAR A FOG REMOVAL SYSTEM MUST BE PROHIBITED.

PART B. EXECUTIVE SUMMARY FOR A DRAFT SEWER USE ORDINANCE & SAMPLE ORDINANCE

EXECUTIVE SUMMARY:

GENERAL:

The ordinance should minimally: govern the material standards and installation of fat, oil, and/or grease removal systems; provide criteria for defining the facilities that are subject to the requirements; and provide permitting regulations and requirements, in accordance with EPA and State standards.

ADMINISTRATION:

Registration Requirement. All commercial establishments that are required to install a grease removal system should register their permit with the [Department]. The [Department] should provide the USER with a Registration Number, indicating the potential for Grease Laden Waste to be introduced into the Sanitary Sewer. The [Department] should keep a running public log, including permit number, address and name of owner.

User Responsibility. The USER should be responsible for cleaning and maintaining the Grease Removal System located on his property and should maintain accurate records of the dates of cleaning and means of fat, oil and/or grease disposal, subject to inspection and review by the [Department]. Any removal and hauling of fat, oil and/or grease should be performed by a licensed waste disposal or rendering firm. All costs incidental to the building sewer installation, connection and registration shall be borne by the USER.

GREASE REMOVAL SYSTEMS

Where Required. Grease Removal Systems shall be installed where the discharge of Grease Laden Waste, from food preparation or food processing or other commercial establishment, into the Sanitary Sewer will cause an impediment or obstruction of the Sanitary Sewer Mains. An approved Grease Removal System shall be installed consisting of one or a combination of the following methods.

a) Passive Technology including:

1. An approved in-ground Grease Trap
2. An approved Grease Interceptor

b) Active Technology including:

1. An approved Grease Recovery Device
2. An approved Solids Transfer/Grease Recovery Device.

Prohibited Discharge. Waste that does not contain fat, grease, fats or oils and that otherwise does not require treatment shall not discharge into the Grease Removal System. Wastewater from commercial dishwasher machines or wastewater that otherwise exceeds 150°F shall not be introduced into any Grease Removal System.

Food-waste grinders. Food-waste grinders shall not discharge into the building drainage system through a Grease Interceptor, Grease Trap, or Grease Recovery Device.

Passive System Requirements

Grease traps. The size, type, and location of each grease trap shall be approved by the Plumbing Official. Grease Interceptors shall be sized based upon the anticipated load and/or conditions of actual use, by an engineer or the manufacturer. Grease Traps of pre-cast or poured in place concrete shall be constructed of sound durable material, not subject to excessive corrosion or decay, and shall be water and gas tight.

Grease interceptors. Grease Interceptors shall be sized based upon the anticipated load and/or conditions of actual use, by an engineer or the manufacturer. Grease Interceptors shall receive Grease Laden Waste discharge from the Major Point Sources. A floor drain shall not be considered a Major Point Source.

Grease Interceptor capacity. Grease Interceptors shall have the grease retention capacity indicated in Table 3 for the flow-rates indicated.

Rate of flow controls. Grease Interceptors shall be equipped to control the rate of flow.

Active System Requirements

Grease Recovery Devices. Grease Recovery Devices shall be permitted in lieu of Grease Interceptors or Grease Traps in accordance with the following requirements.

Location. Grease Recovery Devices shall receive all Grease Laden Waste discharge from the Major Point Sources. A Floor drain shall not be considered a Major Point Source.

Sizing. Grease Recovery Devices shall be sized based upon the anticipated load and/or conditions of actual use, by an engineer or the manufacturer.

Capacity. Grease Recovery Devices shall have a minimum retention capacity indicated in Table 3 for the flow-rates indicated.

HIGH RISK FACILITIES

General. High risk facilities or facilities that have had previous field or surface effluent violations shall incorporate a grease recovery device in combination with and preceding the grease trap.

ALTERNATE METHODS

Alternative Technology/Methods. Engineered alternative technology or methods shall be permitted, provided the technology or method meets the minimum performance standards set forth by the Administrative Authority.

Biological or Chemical Treatment Agents. Biological or chemical treatment agents for the separation, emulsification and/or removal of fat, oil and/or grease shall be prohibited.

TABLE 3

SIZING AND RATING

<u>SIZE SYMBOL</u>	4	7	10	15	20	25	30	35	50	75
<u>FLOW RATE</u>										
GPM	4	7	10	15	20	25	30	35	50	75
L/S	0.25	0.44	0.63	0.95	1.26	1.58	1.89	2.2	3.16	4.73
<u>RETENTION CAPACITY</u>										
Pounds	8	14	20	30	40	50	60	70	100	150
Kg	3.6	6.4	9.1	13.6	18.2	22.7	27.3	31.8	45.4	68.2

*Editors note: The above includes plumbing requirements that are, generally, not addressed within model codes and/or local codes.

PART C. IMPLEMENTATION PLAN FOR ORDINANCE

1. FACT FINDING SURVEY

Field work is required to determine the USERS that must comply. Once this list is composed, it will be necessary to conduct on-site inspections to gather pertinent information, such as, type of interceptor, location of sewer taps and where wastewater enters the municipal mains, the days and hours of operation, owner and address, etc.

2. SEMINARS

The [Department] should give educational seminars for USERS. The Wastewater and Sewer Superintendents, Plumbing Official and Pre-treatment Coordinator to be available at the seminars. Also, have industry available to demonstrate available Grease Removal System technology.

3. COMPLIANCE

After providing USER seminars, allow adequate time to install the interceptor. (Ninety (90) days advance notification is generally considered reasonable) Work very closely with USERS to make wise decisions on type of interceptor to be installed.

- a) Notification to USERS shall be via United States Certified Mail, Return Receipt, and shall include the following:

"To Whom It May Concern:

Upon inspection of [facility] on [date] it has been determined that in order to discharge wastewater into the Sanitary Sewer you must do so through a Grease Recovery System.

You will have ninety (90) days from the date of this notice to comply. Failure to do so could subject you to enforcement action, as described in [Chapter], [Section] of the Sewer Use Ordinance.

Your cooperation in this matter is greatly appreciated. Should you have any question contact the Pretreatment Coordinator."

[Signed, Pretreatment Coordinator].

**VIA REGISTERED MAIL RECEIPT No. [XXX XXX XXX]
CERTIFIED RECEIPT REQUESTED**

[Name]
[Establishment]
[Address]
[City], [State] [Zip]

Dear Sir/Madam:

This letter is to inform you that in [Section XX-05] of the [Municipal] Sewer Use Ordinances, all establishments involved in the preparation, processing, or serving of food are now required to initiate routine inspections, cleaning and maintenance of grease recovery systems located on your premises. (interceptors, traps, etc.) The previously mentioned inspections, cleaning, and maintenance are to be performed by your staff or an approved contractor as needed to prevent the discharge of oil and grease into the sanitary sewer of the [municipality]. You are also required by the Sewer Use Ordinance to document these activities; this documentation is to be retained on site for a period of three (3) years. Compliance with these requirements is to begin upon receipt of this letter.

The [Municipality's] Wastewater Management Division will be implementing a program of random inspections of restaurants and other food handling establishments to ensure compliance with the Sewer Use Ordinance. Failure to comply could subject you to enforcement action as described in Chapter [No.], Section [XX-08] of the Sewer Use Ordinance.

As this letter will be the only notice you receive, please retain this letter in the permanent files of your establishment.

Your cooperation and help in this matter are greatly appreciated. Should you have any questions, please feel free to contact me at (XXX/XXX-XXX).

Sincerely,

[Signed]

Pretreatment Coordinator

**VIA REGISTERED MAIL RECEIPT No. [XXX XXX XXX]
CERTIFIED RECEIPT REQUESTED**

[Name]

[Establishment]

[Address]

[City], [State] [Zip]

Dear Sir/Madam:

Upon inspection of [Establishment] on [Date] it has been determined that in order to discharge into the sanitary sewer you must do so through a grease recovery system.

You will have ninety (90) days from the date of your inspection to comply. Failure to do so could subject you to enforcement action as described in Chapter [No.], Section [XX-08] of the Sewer Use Ordinance.

Your cooperation in this matter is greatly appreciated. Should you have any questions, please feel free to contact me at (XXX/XXX-XXX).

Sincerely,

[Signed]

Pretreatment Coordinator

SAMPLE ORDINANCE:

DIVISION [No.]
DISCHARGE OF WASTEWATERS INTO THE
[MUNICIPAL] POTW

Sec. [XX-01]. Purpose and policy.

This division sets forth uniform requirements for direct and indirect contributors into the POTW for the [Municipality] and enables the [Municipality] to comply with 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).

This division provides for the regulation of direct and indirect contributors to the POTW through the: (1) issuance of permits to certain nondomestic users, (2) through enforcement of general requirements for the other users, (3) authorized monitoring and enforcement activities, (4) required user reporting, (5) existing customers' capacity being preempted, and (6) providing for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This division shall apply to all users of the municipal waste water system. Except as otherwise provided herein, the POTW director shall administer, implement, and enforce the provisions of this division. Any powers granted to or imposed upon the POTW director may be delegated by the POTW director, to other municipal personnel. By discharging waste water into the POTW, industrial users located outside the [municipality's] limits agree to comply with the terms and conditions established in the ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

The objectives of this division are:

(1) To prevent the introduction of pollutants into the POTW which will interfere with the operation

of the POTW or contaminate the resulting sludge.

(2) To prevent the introduction of pollutants into the POTW which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW.

(3) To promote reuse and recycling of industrial waste water and sludges from the POTW.

(4) To provide for equitable distribution of the cost of the POTW.

(5) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public.

(6) To ensure that the [Municipality] complies with its NPDES or nondischarge permit conditions, sludge use and disposal requirements, and any other federal and state laws to which the POTW is subject.

Sec. [XX-02]. Definitions and abbreviations.

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

Act or the Act means The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. 1251 et seq.

Ammonia nitrogen means the total amount of nitrogen in the form of ammonia or ammonia usually expressed as a concentration (e.g. mg/l).

Approval authority means the Director of the [State Division of Environmental Management] or his designee.

Authorized representative of

SAMPLE ORDINANCE:

industrial user means:

(1) If the industrial user is a corporation, authorized representative shall mean:

a. The president, secretary or a vicepresident of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation; or

b. The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having a gross annual sales or expenditures exceeding twentyfive million dollars (\$25,000,000.00) (in secondquarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) 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.

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

Biochemical oxygen demand (B.O.D) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g. mg/l).

Building sewer means a sewer conveying waste water from the premises of a user of the [municipality's] POTW.

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

Categorical standards means national categorical pretreatment standards or pretreatment standards.

Chemical oxygen demand (C.O.D.) means the quantity of oxygen used in the chemical oxidation or decomposition of organic substances in a sample usually expressed as a concentration (e.g. mg/l).

[Municipality] means the [Administrative Authority].

[Local Governing Authority] means the [Local Governing Authority] of the [Municipality].

Color means the "true color" due to the substances in solution expressed in wave lengths of light.

Compatible pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or shall be in the future specified and controlled in the [Municipality's] NPDES permit for its POTW where said POTW has been designed and used to reduce or remove such pollutants.

Director means the director of public works of this [Municipality] or his duly appointed deputies, agents, or representatives.

SAMPLE ORDINANCE:

wastes (i) from the noncommercial preparation, cooking and handling of food or (ii) containing human excrement and similar matter from the sanitary convenience or dwellings, commercial buildings, industrial facilities, and institutions.

Environmental protection agency or EPA means the U.S. Environmental Protection Agency, or where appropriate the term shall also be used as a designation for the administrator or other duly authorized official of said agency.

Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage or sale of food.

Grab sample means a sample which is taken from a waste abeam on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Holding tank waste means 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.

Incompatible pollutant means any pollutant which is not a "compatible pollutant" as defined in this section.

Indirect discharge or discharge means 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 POTW).

Industrial user or user means any person which is a source of indirect discharge.

Industrial waste or industrial

manufacturing, trade, or business establishments as distinct from domestic wastes.

Interference means 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 nondischarge 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 Substance 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.

Medical wastes means 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.

National categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the 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.

waste water means the liquid wastes resulting from the processes employed in industrial,

National pollutant discharge elimination system (NPDES) means the program for issuing,

- 11 -

SAMPLE ORDINANCE:

conditioning and denying permits for the discharge of pollutants from the point sources into navigable waters, the contiguous zone and oceans pursuant to Section 402 of the Act

National pollutant discharge elimination system or NPDES permit means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342), or pursuant to G.S. [number] by the state under delegation from EPA.

National prohibitive discharge standard or prohibitive discharge standard means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section [XXf03] of this division and are developed under the authority of 307(b) of the Act and 40 CP CFR, Section 403.5.

New source means:

(1) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:

a. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

b. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

c. The production or waste

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.

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

(3) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

a. Begun or caused to begin, as part of a continuous on-site construction program:

1. Any placement, assembly, or installation of facilities or equipment; or

2. Significant site preparation work including clearing, excavation, or removal 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 which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and

water generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining

design studies do not constitute a contractual obligation under this definition.

Noncontact cooling water means

- 12 -

SAMPLE ORDINANCE:

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

Nondischarge permit means a disposal system permit issued by the state pursuant to G.S. [number].

Pass through means 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 nondischarge permit, or a downstream water quality standard.

Person means any individual, partnership, copartnership, 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.

pH means 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.

Pollution means the manmade or maninduced alteration of the chemical, physical, biological, and radiological integrity of water.

Pollutant means any "waste" as defined in G.S. [number] and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions,

wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

POTW director means the [Municipality's] Director of Public Works or his designee.

POTW treatment plan means the portion of the POTW designed to provide treatment to waste water.

Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in waste water prior to or in lieu of discharging or otherwise introducing such pollutants into the 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.

Pretreatment program means the program for the control of pollutants introduced into the POTW from nondomestic sources which was developed by the [Municipality] in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by G.S. [number] in accordance with 40 CFR 403.11.

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

Pretreatment standards means prohibited discharge standards, categorical standards and local limits.

Publicly owned treatment works

medical wastes, chemical wastes biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand cellar dirt and industrial, municipal and agricultural waste and certain characteristics of

(POTW) or municipal waste water system means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the [Municipality] This definition includes any devices or systems used in the

- 13 -

SAMPLE ORDINANCE:

collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey waste water to the POTW treatment plant. For the purposes of this division, "POTW" shall also include any sewers that convey waste waters to the POTW from persons outside the [Municipality] who are, by contract or agreement with the [Municipality], or in any other way, users of the [Municipality's] POTW.

Receiving stream means the body of water, stream or watercourse receiving the discharge waters from the POTW or formed by the waters discharged by the plant.

Sanitary sewer means a sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this regulation, without the admixture of surface water and storm water.

Severe property damage means substantial physical damage to property, damage to the user's treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

Significant industrial user means any industrial user of the waste water disposal system who:

(1) Has an average daily process waste water flow of

(3) Is required to meet a national categorical pretreatment standard; or

(4) Is found by the [Municipality], [State] Division of Environmental Management or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singularly or in combination with other contributing industrial users, on the waste water treatment system the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

Significant noncompliance (SNC) or reportable noncompliance (RNC) means a status of noncompliance defined as follows:

(1) Violations of wastewater discharge limits.

a. Chronic violations. Sixtyfsix (66) percent or more of the measurements exceed (by any magnitude) the same dally maximum limit or the same average limit in a sixfmonth period.

Technical review criteria (TRC) violations. Thirtyfthree (33) percent or more of the measurements are more than the TRC times the limit (maximum or average) in a sixfmonth period. There are two (2) groups of TRCs. For conventional pollutants:

BOD, TSS, fats, oils, and grease TRC = 1.4

For all other pollutants TRC = 1.2

c. Any other violations of the effluent limit (average or daily

[number] gallons or more; or

(2) Contributes more than five (5) percent of any design or treatment capacity (i.e., allowable pollutant load) of the waste water treatment plant receiving the indirect discharge; or

maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or passfthrough; or endangered the health of the sewage treatment plant personnel or the public.

d. Any discharge of a pollutant

- 14 -

SAMPLE ORDINANCE:

that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

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

(3) Failure to provide reports for compliance schedule, selfmonitoring data, baseline monitoring reports, ninetyfday compliance reports, and periodic compliance reports within thirty (30) days from the due date.

(4) Failure to accurately report noncompliance.

(5) Any other violation or group of violations that the control authority considers to be significant.

Slug load means any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in section [XXf03] of this division;

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office Management and Budget 1987 and as may be amended or supplemented.

occurring during or immediately following any form of natural precipitation and resulting therefrom.

Superintendent means the person designated by the [Municipality] to supervise the operation of the POTW works and who is charged with certain duties and responsibilities by this division, or his duly authorized representative.

Surcharge means a charge to a user of the POTW based on the pounds of a particular constituent in waste water, in excess of a specified level of concentration. It is levied in addition to a regular sewer service charge.

Surcharging of sanitary sewer means the sewer is receiving more waste water than its flowing full hydraulic capacity and that the amount of waste water entering the sewer greater than its flowing full hydraulic capacity results in manhole water levels above the elevation of the top of the sewer pipe.

Suspended solids means the total suspended matter that floats on the surface of, or is suspended in, water, waste water or other liquids, and which is removable by laboratory filtering.

Total Kjeldahl nitrogen (TKN) means the total amount of nitrogen in the trifnegative state, including ammonia, ammonium and organically bound nitrogen as measured by standard laboratory procedures and usually expressed as a concentration (e.g. mg/l).

State means the State of [Applicable State].

Storm sewer or storm drain means a sewer which carries storm or surface water and drainage, but excludes sewage and industrial wastes.

Storm water means any flow

Unpolluted water means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will in no way cause any violation of receiving water quality standards.

Upset means an exceptional incident in which there is unintentional and temporary

- 15 -

SAMPLE ORDINANCE:

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.

User classification means a classification of user based on the 1987 (or subsequent) edition of the "Standard Industrial Classification (SIC) Manual" prepared by the Office of Management and Budget.

Waste water means the liquid and water earned industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities, and institutions or other sources, together with any ground water, surface water and stormwater that may be present, whether treated or untreated, which are discharged into or permitted to enter the [Municipality's] treatment works.

Wastewater permit means as set forth in section [XXf05] of this division.

Waters of the state means all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or under ground, natural or artificial, public or private,

neutral and the masculine gender shall include the feminine and viceversa. Shall is mandatory may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

Abbreviations. The following abbreviations when used in this division, shall have the designated meanings:

- (1) BOD f biochemical oxygen demand.
- (2) CFRfCode of Federal Regulations.
- (3) CODfchemical oxygen demand.
- (4) EPAfenvironmental protection agency.
- (5) GPDfgallons per day.
- (6) lf liter.
- (7) mgf milligram.
- (8) mg/lf milligram per liter.
- (9) NH3f ammonia nitrogen.
- (10) NPDESf National Pollutant Discharge Elimination System.
- (11) O&Mf Operations and maintenance.
- (12) RCRAf Resource Conservation and Recovery Act.
- (13) SICf Standard Industrial Classification.
- (14) SWDAf Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
- (15) U.S.C.f United States Code.
- (16) TKNftotal Kjeldahl nitrogen.
- (17) TSSftotal suspended solids.
- (18) POTWfpublicly owned treatment works.
- (19) G.S.f [Applicable State's General Statutes]

Sec. [XXf03]. Prohibitions and

which are contained within, flow through or border upon the state or any portion thereof.

Terms not otherwise defined herein shall be as adopted in the latest edition of "Standard Methods for the Examination of Water and Waste water" published by American Public Health Association, the American Water Works Association and the Water Environment Federation. This division is gender

limitations on waste water discharges.

(a) General prohibitions. No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or waste water 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

- 16 -

SAMPLE ORDINANCE:

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 waste water

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade) 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 onehalf (1/2) inch in any dimension.

(3) Petroleum oil, non biodegradable cutting oil, or products of mineral origin, in amounts that will cause interference or pass through. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

(4) Any waste water having a pH less than 5.0 or more than 11.0 or waste water having any other corrosive property capable of causing damage to the POTW or equipment.

biological activity in the POTW treatment plant resulting in interference, but in no case waste water which causes the temperature at the introduction into the treatment plant to exceed one-hundred-four (104) degrees Fahrenheit (forty (40) degrees centigrade).

(7) Any pollutants which result in the presence of toxic acute gases, vapors, or fumes within the system 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 POTW superintendent in accordance with section [XXf02](j) of this division.

(9) Noxious or malodorous solids, liquids, gases, of wastewater which, either singly or by interaction with other wastes, are capable of creating a public nuisance or health hazard, or shall prevent entry, into a sewer for its maintenance and repair.

(10) Any pollutant released in an indirect discharge at a flow rate and/or pollutant concentration which will cause interference with the POTW.

(11) Any toxic substances in amounts exceeding standards promulgated by the Administrator of the U.S. Environmental Protection Agency or the [Municipality]

(5) Any waste water 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 one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees centigrade), or which will inhibit

pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which shall interfere with biological processes or efficiency of the treatment system, or that will pass through the system, or that exceed domestic concentrations used in the current head works calculations. These concentrations will be made available upon request from the director.

- 17 -

SAMPLE ORDINANCE:

(12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non contact cooling water and unpolluted industrial waste water, unless specifically authorized by the POTW director/superintendent.

(13) Any waste water which imparts color which cannot be removed by the treatment process, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant's effluent to render the waters injurious to wildlife or to adversely effect the palpability of fish or aesthetic quality or impair the receiving waters for any designated uses.

(14) Any water or waste containing chlorides in concentrations of more than two hundred (200) parts per million or milligrams per liter by weight; provided that up to five hundred (500) parts per million or milligrams per liter by weight may be discharged by permit authorization subject to express provisions of section [XXf05] herein.

(15) Any waste water containing any radioactive wastes or isotopes except as specifically approved by the POTW superintendent in

system.

(19) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

(20) At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

(21) Any other discharge or deposit not otherwise listed above which violates the Act, 40 CFR Section 403.5, any regulations promulgated pursuant to the Act, any amendments thereto, or which shall cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used. Other prohibited discharges shall also

compliance with applicable state or federal regulations.

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

(17) Any medical wastes, except as specifically authorized by the POTW superintendent in a waste water discharge permit.

(18) Any material containing ammonia, ammonia salts, or other chelating agents which will produce metallic complexes that interfere with the municipal waste water

include:

a. Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the POTW director or superintendent.

b. Any waste water causing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in 15A NCAC 2B. 0200.

c. Any wastes containing detergents, surface active agents, or other substances which may cause

SAMPLE ORDINANCE:

excessive foaming in the municipal waste water system.

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

When the POTW superintendent determines that a user(s) is contributing to the POTW, any of the above enumerated substances in such amounts which may cause or contribute to interference of POTW operation or pass through, the POTW superintendent shall: (1) advise the user(s) of the potential impact of the contribution on the POTW in accordance with this division; and (2) take appropriate actions in accordance with sections [XXf06] and [XXf07] for such user to protect the POTW from interference or pass through.

(c) Limitations on waste water discharges.

(1) To implement the general and specific discharge prohibitions listed in this division, industrial

- 0.005 mg/l cyanide
- 0.031 mg/l lead
- 0.00052 mg/l mercury
- 0.189 mg/l nickel
- 0.01 mg/l silver
- 0.006 mg/l total chromium
- 0.119 mg/l zinc

Industrial userspecific local limits for appropriate pollutants of concern shall be included in waste water permits and are considered pretreatment standards. The POTW superintendent may impose mass limits in addition to, or in place of, the concentration based limits above.

(2) No person shall discharge or convey, or permit or allow to be discharged or conveyed, in the POTW waste water containing pollutants of such character or quantity that will:

a. Not be susceptible to treatment or interfere with the process or efficiency of the POTW;

b. Constitute a hazard to human or animal life, or to the stream or watercourse receiving the POTW;

c. Violate pretreatment standards; or

d. Cause the POTW to violate its NPDES permit to applicable receiving water standards.

userspecific local limits will be developed ensuring that the POTW's maximum allowable head works loading is not exceeded for particular pollutants of concern for each industrial user. Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:

250	mg/l BOD
250	mg/l TSS
400	mg/l COD
40	mg/l TKN or ammonia
0.000215	mg/l arsenic
0.004	mg/l cadmium
0.037	mg/l copper

(d) National categorical pretreatment standards. Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this division for sources in that subcategory shall immediately supersede the limitations imposed under this division. Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405f471 and incorporated herein.

- 19 -

SAMPLE ORDINANCE:

(1) Where a categorical pretreatment standard is expressed only in terms of either mass or the concentration of a pollutant in wastewater the POTW superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

(2) When waste water subject to a categorical pretreatment standard is mixed with waste water not regulated by the same standards, the POTW superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

(3) 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.

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

(e) Modification of federal categorical pretreatment standards. Where the [Municipality's] POTW

Pollution" promulgated pursuant to the Act. The [Municipality] shall then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior to approval from the approval authority is obtained.

(f) State requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations of those in this division.

(g) [Municipality's] right of revision. The [Municipality] reserves the right to establish by regulation more stringent imitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this division or the general and specific prohibitions in section [XX-02] of this division, as is allowed by 40 CFR 403.4.

(h) Dilution prohibition. 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

achieves consistent removal of pollutants limited by federal pretreatment standards, the [Municipality] may apply to the approval authority for modification of specific limits in the federal pretreatment standards. consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmful state in the effluent which is achieved by the system in ninetyfive (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 "General Pretreatment Regulations for Existing and New Sources of

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 [Municipality] or state.

(i) Variances and special agreements. Variances to the specific limits set forth under section [XX-02] shall be provided by a waste water discharge permit as set forth under section [XXf05]. Nothing in this section shall be construed to prevent any special agreement or arrangement between the [Municipality] and any user of the POTW whereby waste water of unusual strength or character is

- 20 -

SAMPLE ORDINANCE:

accepted into the system and specially treated subject to any payments or user charges as may be applicable.

(j) Hauled wastewater

(1) Septic tank waste may be introduced into the POTW only at locations designated by the POTW superintendent, and at such times as are established by the POTW superintendent. Such waste shall not violate section [XXf02] of this division or any other requirements established by the [Municipality]. The POTW superintendent may require septic tank waste haulers to obtain wastewater discharge permits.

(2) The POTW superintendent shall require haulers of industrial waste to obtain discharge permits. The POTW superintendent may require generators of hauled industrial waste to obtain wastewater discharge permits. The POTW superintendent also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this division.

(3) Industrial waste haulers may discharge loads only at

constituents, and whether any wastes are RCRA hazardous wastes.

Sec. [XXf04]. Control of prohibited wastes.

(a) Regulatory actions. If waste waters as described in section [XXf02] of this division are discharged or proposed to be discharged into the POTW of the [Municipality] or any POTW tributary thereto, the director and [Municipality's] attorney shall take any action necessary to:

(1) Prohibit the discharge of such wastewater.

(2) Require a discharger to demonstrate that infplant modifications will reduce or eliminate the discharge of such substances in conformity with this division.

(3) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these rules and regulations (in accordance with federal regulations 40 CFR Part 403 of the Act).

locations designated by the POTW superintendent. No load may be discharged without prior consent of the POTW superintendent. The POTW superintendent may collect samples of each hauled load to ensure compliance with applicable standards. The POTW superintendent may require the industrial user to provide a waste analysis of any load prior to discharge.

(4) 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

(4) Require the person making, causing or allowing the discharge to pay additional cost or expense incurred by the [Municipality] for handling and treating excess loads imposed on the POTW; and

(5) Take such other remedial action as shall be deemed to be desirable or necessary to achieve the purpose of this division.

(b) Pretreatment. Users shall provide waste water treatment as necessary to comply with this division and wastewater permits issued under section [XXf05] of this division and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in section [XX-02] of this

SAMPLE ORDINANCE:

division within the time limitations as specified by the EPA, the state, or the POTW superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans, prepared by a licensed professional engineer showing the pretreatment facilities all operations procedures shall be submitted to the [Municipality] for review, and shall be approved by the POTW superintendent 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 [Municipality] under the provisions of this division. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the POTW superintendent prior to the user's initiation of the changes.

At least annually, the POTW superintendent shall publish in the largest daily newspaper circulated in the service area, a list of

approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance rule, regulation or order of any governmental or flowcontrol facilities and shall not be made without due notice to and prior approval of the superintendent.

(d) Pretreatment facilities operation. If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, laws and regulations.

(e) Inspection and sampling. The superintendent shall inspect the facilities of any user to ascertain whether the purpose of these regulations are being met and all requirements are being complied with. Persons, occupants, or premises where wastewater is created or discharged shall allow the [Municipality], approval authority, and EPA, or their

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 twelve (12) months.

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

(c) Submission of plans. Where pretreatment or equalization of wastewater flows prior to discharge into any part of the POTW is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be first submitted to the superintendent for review and

representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of their duties. The [Municipality], approval authority, and EPA, or their representative 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 its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the [Municipality], approval authority and EPA will be permitted to enter without delay for the purposes of performing their specific

- 22 -

SAMPLE ORDINANCE:

responsibilities. Denial of the POTW superintendent's approval authority's, or EPA's access to the user's premises shall be a violation of this division. Unreasonable delays may constitute denial of access. The superintendent shall enter upon the property at any time under emergency circumstances.

(f) Search warrants. If the POTW superintendent, 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 division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the [Municipality] designed to verify compliance with this division or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the POTW superintendent, approval authority, or EPA may seek issuance of a search warrant from the appropriate court of law or other

notifying the POTW superintendent of any accidental or slug discharge, as required by section [XXf04] of this division; 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.

(h) Measurement of flow. The volume of flow used in computing waste discharges shall be based upon the metered water consumption as shown in records of meter reading maintained by the [Municipality's] finance department. In the event that a person discharging wastes into the POTW produces evidence to the superintendent that more than ten

regulatory authority.

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

- (1) Description of the discharge practices, including non routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately

(10) percent of the total annual volume of water used for all purposes does not reach the [Municipality's] sanitary sewer, the person discharging such waste shall install and maintain, at 0a expense, a flow measuring device of the type approved by the superintendent for the purpose of determining the proper volume of flow to be charged.

(i) Grease removal.

(1) Grease and oil traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing, or serving food anal or food products. Grease interceptors can be required in other industrial or commercial establishments when they are necessary in the opinion of the POTW superintendent for proper handling of liquid wastes containing oil and/or grease in

SAMPLE ORDINANCE:

amounts in excess of one hundred (100) mg/l by weight fat soluble, or for any flammable wastes All such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the superintendent or his designee and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of the waste content as required for their efficient operation, 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 publicly owned sanitary sewer. Failure to comply can result in the implementation of the enforcement procedures in section [XXf06] of this division.

(2) Wastes removed from grease interceptors shall not be discharged into the publicly owned sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

shall be serviced and emptied of their solids contents as required for their efficient operation, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept grit and sand prior to the discharge of wastewaters to the public sanitary sewer. Failure to comply can result in the implementation of the enforcement procedures in section [XX-06] of this division.

(2) Wastes removed from sand and grit interceptors shall not be discharged into the publicly owned sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

(3) A facility must keep interceptor cleaning records on file a minimum of three (3) years The following information must be maintained: receipt for job performed signed by contractor and cost, clean out date, person responsible for cleaning, name of firm performing the clean out,

(3) A facility must keep interceptor cleaning records on file a minimum of three (3) years. The following information must be maintained: receipt for job performed signed by contractor and cost, clean out date, person responsible for cleaning, name of firm performing the clean out, disposal method for and destination of material removed.

(j) Sand and grit removal

(1) Sand and grit 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 and grit in excessive amounts. All such interceptors shall be of a type and capacity approved by the POTW superintendent or his designee and shall be readily and easily accessible for cleaning and inspection. All such interceptors

disposal method for and destination of material removed.

(k) Preliminary treatment devices. Where preliminary treatment, pretreatment, flowequalizing facilities 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.

(l) Additional pretreatment measures. Whenever deemed necessary, the POTW superintendent 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

SAMPLE ORDINANCE:

requirements of this division.

Sec. [XXf05] Wastewater monitoring and reporting.

(a) Baseline monitoring reports.

(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW superintendent a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the POTW

include a schematic process diagram which indicate points of discharge to the POTW from the regulated processes.

d. 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).

e. Measurement of pollutants.

1. The categorical pretreatment standards applicable to each regulated process.

2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the POTW superintendent, of regulated pollutants in the discharge from

superintendent, a report which contains the information listed in paragraph (2), 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.

(2) Users described above shall submit the information set forth below.

a. Identifying information. The name and address of the facility, including the name of the operator and owner.

b. Environmental permits. A list of any environmental control permits held by or for the facility.

c. 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

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 [XX-04](k) of this division.

(3) Sampling must be performed in accordance with procedures set out in section [XX-04](1) of this division.

f. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

g. Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the

- 25 -

SAMPLE ORDINANCE:

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 [XX-04](b) of this division.

h. Signature and certification. All baseline monitoring reports must be signed and certified in accordance with section [XXf05](c) of this division.

(b) Compliance schedule progress report. The following conditions shall apply to the compliance schedule required by section [XX-04](a)(2)g. of this division.

(1) The schedule shall contain

progress reports to the POTW superintendent.

(c) Reports on compliance with categorical pretreatment standard deadline. Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the POTW superintendent a report containing the information described in section [XX-04](a)(2)dff of this division. For user's subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's longterm production rate. For all other

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);

(2) No increment referred to above shall exceed nine (9) months;

(3) The user shall submit a progress report to the POTW superintendent no later than fourteen (14) days following each 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 taken by the user to return to the established schedule; and

(4) In no event shall more than nine (9) months elapse between such

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 [XX-05](c) of this division.

(d) Periodic compliance reports.

(1) All significant industrial users shall, at a frequency determined by the POTW superintendent, but in no case less than twice per year (in May and November), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section [XX-05](c) of this division.

- 26 -

SAMPLE ORDINANCE:

(2) 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.

(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the POTW superintendent, using the procedures prescribed in section [XX-04](k) of this division, the results of this monitoring shall be included in the report.

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

(f) Reports of changed conditions. Each user must notify the POTW superintendent for any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the changes.

(1) The POTW superintendent may

(4) The director shall impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements in the effluent of the user.

(e) Monitoring facilities The [Municipality] 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 [Municipality] 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.

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 [XX-05] of this division.

(2) The POTW superintendent may issue a wastewater discharge permit under this under section [XX-05] of this division or modify an existing wastewater discharge permit under this under section [XX-05] of this division in response to changed conditions or anticipated changed conditions.

(3) For purposes of this requirements, significant changes include, but are not limited to, flow increase of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

(g) Reports of potential problems.

(1) In the case of any discharge, including but not limited to, accidental discharges, discharges of a non-routine nature, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems

- 27 -

SAMPLE ORDINANCE:

for the POTW, the user shall immediately telephone and notify the POTW superintendent of the incident, This notification shall include the location of the discharge, concentration and volume, if known, and corrective actions taken by the user.

(2) Within five (5) days following such discharge, the user shall, unless waived by the POTW superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures 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

superintendent within (30) days after becoming aware of the violation. The user is not required to resample if the POTW superintendent monitors at the user's facility at once a month, or if the POTW superintendent samples between the user's initial sampling and when the user receives the results of the sampling.

(i) Notification of discharge of hazardous wastes.

(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management division director, the state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which if otherwise

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 division.

(3) A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom call in the event of a discharge described in paragraph (1) above. Employers shall ensure that all employees, who may cause a discharge to occur, are advised of the emergency notification procedure.

(h) Reports from unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW superintendent as the POTW superintendent may require.

(1) Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the POTW superintendent within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW

disposed of, would be 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 the discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such wastes per calendar month to the POTW, the notification 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, and the estimation of the mass and concentration of such constituents in the wastestream discharge during the following twelve (12) months. All notifications must take place not later than one-hundred-eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, such notifications of changed conditions must be submitted under section [XX-04](f) of this division. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under

- 28 -

SAMPLE ORDINANCE:

self-monitoring requirements of section [XX-04](a), (c), and (d) of this division.

(2) Discharges are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the waste are 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 wastes do not require additional notification.

(3) In the case of any new

proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(1) 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

regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the POTW superintendent, the EPA regional waste management waste division director, the state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) 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.

(5) This provision does not create a right to discharge any substance otherwise permitted to be discharged by this division, a permit issued hereunder, or any applicable federal or state law.

(k) Sample information.

(1) Except as permitted in subsection (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the POTW superintendent may authorize the use of time

facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(m) Record keeping. User subject to the reporting requirements of this division shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this division 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 [Municipality], or where the user has been specifically notified of a longer retention period by the POTW superintendent.

Sec. [XXf06] Wastewater discharge permit application and issuance.

(a) Wastewater dischargers. It shall be unlawful for any person to

SAMPLE ORDINANCE:

connect or discharge to the POTW without first obtaining the permission of the [Municipality] When requested by the POTW superintendent, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The POTW superintendent is authorized to prepare a form for this purpose and may periodically require users to update this information.

(b) Wastewater permits. All significant industrial users shall obtain a significant industrial user permit prior to the

by the POTW superintendent. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the POTW superintendents's determination in section [XX-05](b)(1) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

a. Name, address, and location (if different from the address);

b. Standard Industrial Classification (SIC) codes for pretreatment, the industry as a

commencement of discharge to the POTW. Existing industrial users who are determined by the POTW superintendent to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the POTW superintendent's determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the POTW superintendent be required to obtain an wastewater discharge permit for nonsignificant industrial users.

(1) Significant industrial user determination. All persons proposing to discharge nondomestic wastewater or proposing to change the volume or characteristics of an existing discharge of nondomestic wastewater shall request from the POTW superintendent a significant industrial user determination. If the POTW superintendent 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.

(2) Significant industrial user application. Users required to obtain a significant industrial user permit shall complete and file with the [Municipality], an application in the form prescribed

whole, and any processes for which categorical pretreatment standards have been promulgated;

c. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in section [XX-02] of this division, 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;

d. Time and duration of the indirect discharge;

e. Average daily and thirtyminute peak wastewater flow rates, including daily, monthly, and seasonal variations if any;

f. 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;

g. Description of activities, facilities and plant processes on

- 30 -

SAMPLE ORDINANCE:

the premises including all materials which are or could be accidentally or intentionally discharged;

h. Where known, the nature and concentration of any pollutants in the discharge which are limited by any municipal, state, or federal pretreatment standard, and a statement regarding whether or not the pretreatment standard are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/ or additional pretreatment is

j. Each product produced by type, amount, process or processes and rate of production;

k. Type and amount of raw materials processed (average and maximum per day);

l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

m. If subject to a categorical standard, a 'baseline monitoring

required for the user to meet applicable pretreatment standards;

i. 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:

1. 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.

2. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the POTW superintendent 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 POTW superintendent.

report in accordance with 40 CFR 403.12(b) and 15A NCAC 2H .0908(a) as outlined in section [XX-04](a) of this division.

n. Any other information as may be deemed by the POTW superintendent to be necessary to evaluate the permit application.

(c) Application signatories and certification. All wastewater discharge permit application and user reports must be signed by an authorized representative of the user and contain the following certification:

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

(d) Application review and evaluation. The POTW superintendent will evaluate the data furnished by

SAMPLE ORDINANCE:

the user and may require additional information.

(1) The POTW superintendent is authorized to accept applications for the [Municipality] and shall refer all applications to the POTW staff for review and evaluation.

(2) Within thirty (30) days of receipt the POTW superintendent shall acknowledge and accept the complete application; or if not complete, shall return the

(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

application to the applicant with a statement of what additional information is required.

(e) Tentative determination and draft permit.

(1) The POTW shall conduct a review of the application and an onsite 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 staffs tentative determination in subsection (1) above is to issue the permit, the following additional determinations shall be made in writing:

a. Proposed discharge limitations for pollutants proposed to be limited;

b. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

c. 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 subsections (1) and (2) above and the municipality's general permit conditions into a significant industrial user permit.

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:

a. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;

b. 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

c. 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 POTW superintendent shall take final action on all applications no later than ninety (90) days following receipt of a complete application.

(2) The POTW superintendent is authorized to:

a. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this division and G.S. [number];

- 32 -

SAMPLE ORDINANCE:

b. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

c. Modify any permit upon not less than sixty (60) days notice and pursuant to section [XX-05] of this division.

by registered or certified mail.

a. 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.

d. Revoke any permit pursuant to section [XX-06] of this division;

e. Suspend a permit pursuant to section [XX-06] of this division;

f. Deny a permit application when in the opinion of the POTW superintendent such discharge may cause or contribute to passfthrough or interference of the wastewater treatment plant or where necessary to effectuate the purposes of G.S. [number].

(h) Hearings.

(1) Initial adjudicatory hearings. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section [XX-07], or one issued an administrative order under section [XX-06] 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 thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified therein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty, or order within fortyffive (45) days of the receipt of the written demand for the hearing. The POTW director shall transmit a copy of the hearing officer's decision

b. Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the teens 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 hearings. Any decision of a hearing officer made as a result of an adjudicatory hearing held under section [XX-05] (h) (1) above may be appealed, to the [Local Governing Authority] upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subdivision shall be conducted in accordance with section [XX-06] (c) (2), (3), (4), (5) and (6) of the division. Failure to make written demand within the specified time herein shall bar further appeal. The [Local Governing Authority] shall make a final decision on the appeal within ninety (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 [XX-05] (h) (2) above, the [Local Governing Authority] shall prepare an official record of the case that includes:

a. All notices, motions, and other like pleadings;

b. A copy of all documentary

- 33 -

SAMPLE ORDINANCE:

evidence introduced;

c. 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.

d. A copy of the final decision

the permit shall Include a reasonable time schedule for compliance.

(2) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require

of the [Local Governing Authority].

(4) Judicial review. Any person against whom a final order or decision of the [Local Governing Authority] is entered, pursuant to the hearing conducted under section [XX-05](h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Superior Court of Wilson County along with a copy to the [Municipality] Within thirty (30) days after receipt of the copy of the petition for judicial review, the [Local Governing Authority] 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 follows:

a. Changes in the ownership of the discharge when no other change in the permit is indicated.

b. A single modification of any compliance schedule not in excess of four (4) months.

c. 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.

Any, changes or new conditions in

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 [XX-05](b), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard.

(3) A request for a modification by the permittee shall constitute a waiver of the sixty day notice required by G.S. [number] for modifications.

(j) Permit conditions.

(1) The director shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this division and G.S. [number]. Wastewater permits shall contain, but are not limited to, the following:

a. A statement of duration (in no case more than five (5) years);

b. A statement of nontransferrability;

c. Applicable effluent limits based on categorical standards or local limits or both;

d. 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

- 34 -

SAMPLE ORDINANCE:

based on federal, state, and local law;

e. Notification requirements for slug loads;

f. A statement of applicable civil and criminal penalties for

and equipment.

h. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.

violation of pretreatment standards and requirements and any applicable compliance schedule.

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

a. Limits on the average and/or maximum rate of discharge, and/or requirements for the flow regulation and equalization.

b. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

c. 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 POTW.

d. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system.

f. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.

g. Requirements for the installation and maintenance of inspection and sampling facilities

i. Requirements for immediate reporting of any instance of noncompliance and automatic resampling and reporting within thirty (30) days where selfmonitoring indicates a violation(s).

j. Compliance schedules for meeting pretreatment standards and requirements.

k. Requirements for submission of periodic selfmonitoring or special notification reports.

l. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section [XX-04] and affording the POTW superintendent, or his representatives, access thereto.

m. Requirements for prior notification and approval by the POTW superintendent of any new introduction of wastewater pollutants or of any significant change in the volume or character of the waste water prior to introduction in the system.

n. Requirements for the prior notification and approval by the POTW superintendent of any change in the manufacturing and/or pretreatment process used by the permittee.

o. Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.

p. A statement that compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable

- 35 -

SAMPLE ORDINANCE:

federal and state pretreatment standards, including those which become effective during the terms of the permit.

q. Other conditions as deemed

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

appropriate by the POTW superintendent to ensure compliance with this division, 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 of less than five (5) years and expire on a specific date.

(l) Permit transfer. Wastewater discharge permits are issued to 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 re-issuance. A significant industrial user shall apply for permit re-issuance by submitting a completed permit application in accordance with section [XX-05] a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

(n) Confidential information. Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the POTW superintendent 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 or is waived.

inspection by the public but shall be made available upon written request to governmental agencies for uses related to this division, the national pollutant discharge elimination system (NPDES) permit, nondischarge 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 [Municipality's] approval authority and EPA upon request.

Sec. [XX-07] Enforcement procedures.

(a) Notification of violation. Whenever the POTW superintendent finds that any person has violated or is violating this division, wastewater permit, or any prohibition, limitation or requirement contained therein, the POTW superintendent may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan for the satisfactory correction thereof shall be submitted to the [Municipality] 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 POTW superintendent is hereby empowered

SAMPLE ORDINANCE:

to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the

representative as previously defined in this division.

(3) The [Local Governing

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 [XX-06](d).

(c) Show cause hearing.

(1) The POTW director can order any person who causes or is responsible for an unauthorized discharge or other violations to show cause before the POTW director or his designee why a proposed enforcement action should not be taken. The procedure for the hearing shall be the same as for a hearing before the [Local Governing Authority] as set forth in paragraphs (2), (3), (4), (5), and (6) below. If the person elects, he may appeal to [Local Governing Authority] for a de novo hearing within ten (10) days after the POTW director's order.

(2) If the violation is not corrected by timely compliance, the director shall order any person who causes or allows an unauthorized discharge to show cause before the [Local Governing Authority] why service should not be terminated. A notice shall be served on the offending party, specifying the time and place of a hearing to be held by the [Local Governing Authority] regarding the violation, and directing the offending party to show cause before the [Local Governing Authority] why an order should not be made directing termination of service. The notice of the hearing shall be served personally or by certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent, officer, or other authorized

Authority] shall conduct the hearing.

(4) The [Local Governing Authority] shall:

a. Issue such notices of hearing and request the attendance and testimony of such witnesses and the production of such evidence as it deems relevant to any matter involved in any such hearing;

b. Receive the evidence; and

c. Thereafter, within thirty (30) days, enter a written report based upon the evidence and hearing, together with recommendations for action thereon.

(5) At any public hearing, testimony taken before the [Local Governing Authority] must be under oath and recorded stenographically, by tape recording, or suitable other method. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(6) After the [Local Governing Authority] has reviewed the evidence, it shall issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

(d) Administrative orders. When the POTW superintendent finds that any user has violated or continues to violate this division, permits or orders issued hereunder, or any other pretreatment requirement the

SAMPLE ORDINANCE:

POTW superintendent may issue an order to cease and desist all such

shall reinstate the wastewater permit and the wastewater treatment

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

Any user notified of a suspension of the wastewater treatment service and/or wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (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 POTW director shall take steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW director

service upon proof of the elimination of the noncompliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent future occurrence to the POTW director prior to the date of the above described hearing.

(f) Legal action. Any discharge in violation of the substantive provisions of this division or in violation of an order of the hearing authority shall be considered a public nuisance. If any person discharges sewage, industrial wastes, or other wastes into the [Municipality's] POTW contrary to the substantive provisions of this division or an order of the hearing authority, the [municipality's] attorney shall commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(g) Termination of permit. Any user who violates the following conditions of this division, or applicable state and federal regulations, is subject to having its permit terminated:

- (1) Failure to accurately report the wastewater constituents and characteristics of his discharge;
- (2) Failure to report significant changes in operations, or wastewater constituents and characteristics;
- (3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the permit. Noncompliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section [XX-06] (c) of

this division why the proposed action should not be taken.

Sec. [XXf08] Civil and criminal penalties; costs; defenses to discharge violations.

Any person who is found to have violated an order of the [Local Governing Authority] or who failed to comply with any provisions of this division, or the orders, rules and regulations issued hereunder, may be liable for civil fines, costs, and damages for each offense. Furthermore, it shall be a misdemeanor for any person to violate an order of the [Local Governing Authority] or to fail to comply with any provisions of this division or any of the orders, rules and regulations issued hereunder, and each days violation thereof shall be deemed a separate and distinct offense. In addition to the civil or criminal penalties provided herein, the [Municipality] shall seek recovery of reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit against any violators of this division or the orders, rules and regulations issued hereunder. In addition to the penalties provided for in this division any violation can be penalized by the [State Division of Environmental Management] and other appropriate state and federal agencies

(a) Civil penalties.

(1) Any person or user who is found to have failed to comply with an' provision of this division, or the orders, ruses, regulations and permits issued hereunder, may be fined up to ten thousand dollars (\$10,000.00) per day per violation.

Such assessments may be added to the user's next scheduled sewer service charges and the POTW shall have such remedies for the collection of such assessments as it has for collection of other service charges.

(2) In determining the amount of the civil penalty, the POTW director shall consider the following:

a. 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;

b. The duration and gravity of the violation;

c. The effect on ground or surface water quantity of quality or on air quality;

d. The cost of rectifying the damage;

e. The amount of money saved by noncompliance;

f. Whether the violation was committed willfully or intentionally;

g. The prior record of the violator in complying or failing to comply with the pretreatment program; and

h. The costs of enforcement to the [Municipality].

(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in section [XXf05] (h).

(b) Other available remedies. Additional available remedies include, but are not limited to:

(1) Criminal violations. The district attorney's office may prosecute noncompliant users who violate the provisions of G.S. [number].

(2) Injunctive relief. Whenever a user is in violation of the provisions of this division or an order or permit issued hereunder, the POTW □ director, through the [municipality's] attorney, may petition the superior court of justice for the issuance of a

restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.

(3) Water severance. Whenever a user is in violation of the provisions of this division 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.

(4) Harmful contributions. The [Municipality] shall suspend the wastewater treatment service and/or a wastewater discharge permit when suspension is necessary, in the opinion of the director, in order to stop an actual or threatened discharge which presents or shall present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the [Municipality] to violate any condition of its NPDES permit.

Any person notified of a suspension of the wastewater treatment service and/or wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the director shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The director shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the director within fifteen (15) days of the date of occurrence.

All costs incurred by the [Municipality] incident to the severance and/or reinstatement of a user's sewer connection shall be borne by the user.

(5) Public nuisances. Any violations of the prohibitions or effluent limitations of this division or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the POTW director. Any person(s) creating a public nuisance shall be subject to the provisions of the chapter 17 of the [municipal] Code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance

(6) Remedies nonexclusive. The remedies provided for in this division are not exclusive. The POTW director may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the [Municipality's] enforcement response plan. However, the POTW director may take other action against any user when the circumstances warrant.

(7) In addition to the penalties and remedies contained herein, any persons violating the provisions of this division shall be subject to the he penalties set forth in section 1f10.

(c) Upset

(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards and if the requirements of paragraph (2) below, are met.

(2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence

SAMPLE ORDINANCE:

that:

a. An upset occurred and the user can identify the cause(s) of the upset;

b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

c. The user has submitted the following information to the POTW director within twentyfour (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days).

1. A description of the indirect discharge and cause of noncompliance;

2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

(4) 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.

(5) 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.

(d) Prohibited discharge standard defense. A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section [XX-02](a) of this division or the specific prohibitions in sections [XXf02](b)(2), (3), and (5) through (7) of this division 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:

(1) 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

(2) No local limit exists but the discharge did not change substantially in nature or constituents from the user's prior discharge when the [Municipality] was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(e) Bypass.

(1) 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 (2) and (3) of this subsection.

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

b. A user shall submit oral

SAMPLE ORDINANCE:

notice to the POTW superintendent 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 with in 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 POTW superintendent may waive the written report on a casebyfcase basis if the oral report has been received within twentyfour (24) hours.

(3) a. Bypass is prohibited, and the POTW superintendent may take an enforcement action against a user for a bypass, unless:

1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backfup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

3. The user submitted notices as required under paragraph (2) of this subsection.

b. The POTW superintendent may approve an anticipated bypass, after considering its adverse

three (3) conditions listed in paragraph (3)a. of this subsection.

Sec. [XXf09] Pretreatment fees and charges and surcharges for treatment of industrial wastes.

(a) Purpose. It is the purpose of this section to provide for the recovery of costs from users of the [Municipality's] POTW for the implementation of the program established herein and for treating industrial wastewater. The applicable charges and fees shall be established by resolution by the [Local Governing Authority].

(b) Charges and fees. 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. The [Municipality] shall adopt charges and fees which shall include:

(1) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW;

(2) Each user shall pay its proportionate cost based on volume of flow;

(3) The [municipality's] manager shall review annually the sewage contributions of users, the total cost of debt service, operation and maintenance of the POTW and will make recommendations to the [Local Governing Authority] for adjustments in the schedule of charges and fees as necessary;

(4) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the POTW based upon volume of flow of the users;

(5) Fees for consistent removal by the [Municipality's] POTW of

effects, if the POTW superintendent determines that it will meet the

pollutants otherwise subject to federal pretreatment standards;

SAMPLE ORDINANCE:

(6) Fees for wastes from holding tanks;

(7) Fees for reimbursement of maintenance costs for clean out of sewer line stoppage caused by a noncompliant user; and

(8) Other fees as the [Municipality] shall deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this division and are separate from all other fees chargeable by the [Municipality].

(c) Surcharges. All industrial users of the POTW are subject to industrial waste surcharges on discharges which exceed the following levels:

Parameter	
Concentration	mg/l
Biochemical oxygen demand	250
Chemical oxygen demand	400
Suspended solids	250
Ammonia/TKN	40

Said surcharge shall be invoked as herein provided in addition to any sewer charge imposed after the adoption of this division. The aforesaid surcharge may include:

(1) All fixed charges and amortization costs or additional plant capacity for treating said industrial wastes; and

(2) A charge covering the actual cost of operation and maintenance incurred by the [Municipality] in treating said industrial wastes in the POTW.

(d) Amount of surcharge. The amount of surcharge will be based upon the mass emission rate (in pounds per day) discharge above the levels listed above. The amount

the following manner:

(1) The director shall compute and recommend the rate to be charged during each fiscal year for BOD, COD, TSS, ammonia, and TKN which is discharged into the [municipality's] POTW based upon the operating cost and the amortization and fixed costs of the [Municipality's] POTW as experienced at said plant during the preceding fiscal year.

(2) The [Municipality] shall review the recommended rate and adopt a rate or rates to be charged during the ensuing fiscal year or until revised.

(3) The combined surcharge, as set forth in paragraph (c) of this section shall be billed and payable monthly on a bill rendered to the proper persons by the [Municipality's] finance department. Surcharges imposed hereunder shall be collected in the same manner as other utility charges and nonpayment or delinquency shall subject the customer to the same penalties, including termination of service, as those for other utility services.

(4) 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:

a. Metered water consumption as shown in the records of meter readings maintained by the [Municipality]; or

b. If required by the [Municipality] or at the individual dischargers option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring

charged per pound of excess will be set forth in the schedule of charges and fees. The said sewer surcharge shall be determined in

system shall be installed in accordance with plans approved by the [Municipality]. The metering system shall be installed and maintained at the users expense.

Sec. [XXf10] Protection from damages.

c. Where any user procures all or part of his water supply from other sources other than the [Municipality], the user shall install and maintain at his own expense a flow measuring device of a type approved by the [Municipality].

(a) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, disconnect, deface or tamper with any equipment or materials belonging to the [Municipality] used for the purpose of making tests or examinations that shall be left upon the premises of a person discharging wastes into the POTW.

(5) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the [Municipality]. 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.

(b) No permit shall authorize chlorides to exceed two hundred (200) parts per million or milligrams per liter by weight except upon the condition that such applicant agree in writing to pay for and otherwise compensate the [Municipality] for any and all damages, including but not limited to excessive deterioration of metal components to the [Municipality's] sewer treatment and/or works, that can be shown to be caused by or attributable to the allowance of this variance.

(6) The determination of the character and concentration of the constituents of the wastewater discharge by the POTW director or his duly appointed representatives shall be binding as a basis of charges.

(e) Pretreatment program administration charges. The schedule of charges and fees adopted by the [Municipality] may include charges and fees for:

(1) Fees for reimbursement of costs for setting up and operating the [Municipality's] pretreatment program;

(2) Fees for monitoring, inspection and surveillance procedures;

(3) Fees for reviewing accidental discharge procedures and construction;

(4) Fees for permit applications;

(5) Fees for filing appeals;

(6) Other fees as the [Municipality] may deem necessary

to carry out the requirements of
the pretreatment program.

PART D. PERMITTING & ENFORCEMENT ACTIONS

SAMPLE PERMIT:

Part I. GENERAL REQUIREMENTS

1.1 Discharge Limitations:

- a) There shall be no discharge of floating fat, oil and/or grease (mineral or animal), gasoline, cleaning solvents, or any petroleum products, or any toxic pollutants. Fat, oil and/or grease concentrations shall not exceed 100 ml/L in discharge.
- b) Wastes removed from Grease Removal Systems shall not be discharged into the Sanitary Sewer. The USER shall be responsible for the sanitary disposal of such wastes. All such Grease Removal Systems shall be service and emptied of the waste content as required for their efficient operation, but not less often than once every thirty (30) days for in-ground grease traps, in order to maintain their minimum design capability to intercept Grease Laden Wastes from the wastewater discharged into the Sanitary Sewer. Under-the-sink interceptors shall be cleaned daily. Failure to comply can result in the implementation of enforcement procedures in [Section XX-07] of the local Sewer Use Ordinance.

1.2 Monitoring Requirements

- a) To assure that none of the pollutants mentioned above enters the Sanitary Sewer, a USER meeting the criteria must:
 1. Implement and maintain a Grease Removal System.
 2. A facility must keep the Grease Removal System cleaning records of file a minimum of three (3) years. The following information must be maintained: receipt for cleaning job performed signed by contractor and cost, clean out date signed by owner or owner's agent of the facility, name of firm performing the cleanout, disposal method and destination of the material removed.

Part II. General Conditions

2.1 Duty To Comply

The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the [municipal] Code and is grounds for possible enforcement action. The permittee shall comply with the general prohibitive standards in 40 CFR 403.5 (a) and (b) of the Federal Pretreatment Regulations.

2.2 Facilities Operation

The permittee shall at all times maintain in good working order and operate as efficiently as possible, all control facilities or systems installed or used by the permittee to achieve compliance with the terms and conditions of this provided for and in accordance with the requirements set forth by this permit.

2.3 Removed Substances

Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewater shall be disposed of in a manner such as to prevent any pollutants from such materials from entering the Sanitary Sewer System.

2.4 Right of Entry

The permittee shall allow the staff of the [Applicable State Environmental Department], The Regional Administrator of the United States Environmental Protection Agency, the [Department] and/or their authorized representative, upon presentation of credentials:

- a) To enter upon the permittee's premises where a real or potential discharge is located or which records are required to be kept under the terms and conditions of this permit; and
- b) At reasonable times to have access to and copy records required to be kept under the terms and conditions of this permit; to inspect any monitoring equipment or monitoring method required in this permit; and to sample any discharge of pollutants.

2.5 Availability of Records

Except for the data determined to be confidential under the Code, all reports prepared in accordance with the terms and conditions of this permit shall be available for public inspection at the [Applicable County Offices]. As required by the Code, effluent data shall not be considered confidential.

2.6 Transferability

This wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

2.7 Duty to Provide Information

The permittee shall furnish to the [Department, Superintendent] or his designee, within a reasonable time, any information which the Superintendent, or his designee, or the [State Division] may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determined compliance with this permit. The

permittee shall also furnish upon request, copies of records required to be kept by this permit.

2.8 Penalties for Violations of Permit Conditions

Any person who is found to have violated or failed to comply with any provision of the [Chapter, Sections] Sewer Use Ordinance and/or this permit is subject to civil and criminal penalties as provided for in [Chapter], [Section XX-08] of the [Municipal] Sewer Use Ordinance. In addition to the penalties provided for in the Sewer Use Ordinance, any violation(s) can be penalized by the [State Division of Environmental Management].

2.9 Permit Modification, Revocation, Termination

This permit shall be modified, revoked, and reissued or terminated with cause in accordance to the requirements of the [Municipal] Code and the Florida General Statute of Implementing Regulations.

2.10 Owner's Consent to Adhere

Whereas, for the discharge of Grease Laden Waste by connection with the Sanitary Sewer of [Municipality] through a Grease Removal System. In accordance with the provision of the [Municipal] Sewer Use Ordinance adopted [date] or as amended, and lawful standards and regulation promulgated and adopted by [Applicable State Authority] and the [Municipality], [Business Name; Owner's Name] is hereby authorized to discharge wastewater through a Grease Removal System from a facility located at, [Address] further described as, [Legal Description of Premises], into the Sanitary Sewer of [Municipality], [State], in accordance with the requirement of this permit and other conditions set forth.

[Signed, Owner]

SPECIAL USE PERMIT # [Number]

For the discharge of commercial and/or kitchen waste by connection with the Sanitary Sewerage System of the [Municipality] through a grease recovery system.

In accordance with the provisions of the [Municipal] Sewer Use Ordinance adopted [Date], [year], or as amended, and other lawful standards and regulations promulgated by the [State] and the [Municipality],

[Establishment, Owner's Name]

is hereby authorized to discharge wastewater through a grease recovery system from a facility located at,

[Address, City, State]

into the Sanitary Sewers of the [Municipality], [State] in accordance with the requirements of this permit and other conditions set forth.

This permit shall become effective at midnight on the [No.] day of [Month], [year]. This permit and the authorization to discharge shall expire at midnight on the [No.] day of [Month], [Year].

Signed this the [No.] day of [Month], [Year].

[Signed]

[Local Administrative Authority]

[Signed]

Superintendent Wastewater Management

SAMPLE GREASE REMOVAL SYSTEM AGREEMENT:

All commercial establishments that meet the criteria specified herein shall enter into the following agreement at the time of application for a Special Use Permit:

"It is in my opinion that my place of business may not need grease removal systems on some or all of the kitchen fixtures. If at a later date it is found that a grease removal system is needed, I will have one installed as soon as possible.

I am also in agreement that if the grease removal system that is install is not properly handling the removal of grease laden wastes, a larger model will be installed as soon as I receive notice of this problem.

In signing this agreement, I do understand that water service to my place of business may be discontinued until the necessary corrections have been made. I also agree that if ownership of my business changes, I will at that time make the new owners aware of this agreement."

[Signed, OWNER]

**ON-SITE
GREASE INTERCEPTOR
CLEANING/PUMPING RECORD**

NAME IF FIRM CONTRACTED TO PUMP GREASE TRAP (S):

CONTRACTED FIRM'S APPROVED WASTE DISPOSAL SITE:

1) _____

2) _____

CONTACT: _____

ADDRESS: _____

PHONE: _____

DATE PUMPED:

SIGNATURE OF OBSERVING MANAGER/OWNER

THIS RECORD MUST BE MAINTAINED AND AVAILABLE ON SITE FOR THREE YEARS