

EPA Region 8 Example Ordinance

for POTWs without Approved Pretreatment Programs

The EPA Region 8 Pretreatment Permits and Enforcements Units developed this example Pretreatment ordinance for use by municipalities and sewer districts that do not have approved Pretreatment programs. Generally, Publicly Owned Treatment Works (POTWs) are designed to treat domestic sewage and biodegradable commercial/industrial waste or conventional pollutants. However, non-domestic sources, commercial and industrial facilities, may also discharge toxic or non-conventional pollutants that the POTW is not designed for and that may cause problems in the sewer collection system or at the treatment plant.

The National Pretreatment program is charged with controlling toxic, conventional, and non-conventional pollutants from non-domestic sources that discharge into the sewer collection system of the POTW. The Pretreatment Regulations found in 40 CFR Part 403 provide municipalities with the necessary controls to protect their POTW from the impacts of pollutants of non-domestic wastewater, including but not limited to interference with the operation of the POTW, obstructions in the collection system that cause sanitary sewer overflows, pass through of pollutants that cause NPDES permit violations, worker health and safety impacts, degradation in the quality of the biosolids, and explosive or corrosive conditions in the collection system. When an approved Pretreatment program is required, EPA and State Approval Authorities approve these municipal Pretreatment programs and provide oversight to ensure proper implementation of the regulations.

However, municipalities without approved Pretreatment programs are still required to protect their POTWs against impacts from pollutants in non-domestic wastewater to ensure compliance with their NPDES permit and to protect worker health and safety. EPA Region 8 is providing this example ordinance to provide these municipalities (included in the Pretreatment definition as a POTW) with the basic framework and authority to protect their POTW without developing an EPA-approved program.

The ordinance was developed to provide POTWs with the framework of the Pretreatment Standards, including definitions and wastewater discharge prohibitions applicable to every non-domestic commercial or industrial facility (collectively referred to as industrial users or IUs) in its service area. It establishes the right of entry and authority to gather information used to characterize these facilities to determine potential impacts from their wastewater contribution and the authority to deny or condition these wastewaters. In addition, the ordinance was developed to establish implementation procedures for Pretreatment requirements, reporting, notification, recordkeeping, and enforcement to establish the control necessary of the non-domestic wastewaters and to establish the authority to control the discharge of trucked/hailed waste and RV waste in the service area.

DISCLAIMER

This example ordinance is intended as a working document. The statements in this document are intended to provide municipalities without approved Pretreatment programs a draft framework to establish authorities and implementation procedures to protect their POTWs. This document is

not intended, nor can it be relied on, to create any rights enforceable by any party in litigation with the United States.

For further information, you may contact:

Al Garcia
USEPA Region 8 Pretreatment Coordinator (8P-W-WW),
1595 Wynkoop St.,
Denver, CO 80202

garcia.al@epa.gov
303.312.6382

PRETREATMENT Ordinance

OF THE

[Municipality/Sewer District]

SECTION 1—GENERAL PROVISIONS

1.1 — Purpose and Policy

POTW

This Ordinance sets forth uniform requirements for Industrial Users (“IUs”) of the Publicly Owned Treatment Works (“POTW”) for the [municipality] related to pretreatment. It is intended to enable the POTW to comply with its National Pollutant Discharge Elimination System (“NPDES”) permit from the [State Permitting Agency] as well as all applicable State and Federal laws, including the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the *Code of Federal Regulations* [CFR] Part 403). The objectives of this ordinance are:

- A. To prevent the introduction of Pollutants into the POTW that will interfere with its operation;
- B. To prevent the introduction of Pollutants into the POTW that will pass through the POTW, inadequately treated, into receiving waters, or otherwise be incompatible with the POTW;
- C. To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote and protect the reuse and recycling of wastewater and sludge from the POTW; and
- E. To enable the POTW to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance shall apply to all IUs of the POTW.

1.2 — Administration

Except as otherwise provided herein, the POTW shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the POTW may be delegated to a duly authorized municipality employee¹.

1.3 — Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD – Biochemical Oxygen Demand

BMPs – Best Management Practices

CFR – *Code of Federal Regulations*

CIU – Categorical Industrial User

COD – Chemical Oxygen Demand

EPA – U.S. Environmental Protection Agency

gpd – gallons per day

IU – Industrial User

mg/l – milligrams per liter

NPDES – National Pollutant Discharge Elimination System

POTW – Publicly Owned Treatment Works

SIU – Significant Industrial User

TSS – Total Suspended Solids

U.S.C. – United States Code

1.4 — Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

- A. *Act or "the Act."* The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. section 1251 et seq.
- B. *Authorized Representative of the IU.* An "authorized or duly authorized representative" of an IU may be:

¹ EPA Region 8 recommends the municipality designate the wastewater superintendent as the minimum supervisory level, to be charged with duties and responsibilities by this ordinance. The term also means a Duly Authorized Representative of the wastewater superintendent.

1. If the IU is a corporation:
 - a. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporations; or
 - b. The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 2. If the IU is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 3. If the IU is a federal, state, or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.
 4. The individuals described in subparagraphs (1) through (3) of this paragraph, 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 city.
- C. *Biochemical Oxygen Demand or BOD.* The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).
- D. *Best Management Practices or BMPs.* Schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR Part 403.5(a)(1) and (b) and subsection 2.1 of this Ordinance. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage or sector control programs to control pollutants from certain non-domestic sectors. BMPs shall be considered local limits and Pretreatment Standards for the purposes of these Pretreatment Regulations and Section 307(d) of the Act and as specified at 40 CFR 403.5(c)(4).
- E. *Categorical Pretreatment Standard or Categorical Standard.* Any regulation containing pollutant Discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of IUs and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

- F. *Categorical Industrial User or CIU.* Any IUs subject to a Categorical Pretreatment Standard or categorical standard.
- G. *Chemical Oxygen Demand or COD.* A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- H. *Control Authority.* The term refers to the:
1. The POTW if the POTW's Pretreatment program has been submitted and approved in accordance with the requirements of §403.11; or
 2. The [EPA {if in Colorado, Montana, and Wyoming} OR State {if in North Dakota, South Dakota, Utah}] if the POTW's Pretreatment program has not been approved.
- I. *Environmental Protection Agency or EPA.* The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.
- J. *Indirect Discharge or Discharge.* The introduction of any pollutant into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act.
- K. *Industrial User or IU.* A source of indirect discharge.
- L. *Interference.* A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
1. Inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and,
 2. Therefore, is a cause of a violation of the [municipality's] NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- M. *Local Limit.* Specific discharge limits developed and enforced by the POTW upon industrial or commercial facilities (IUs) to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and subsection 2.1 of this Ordinance.

- N. *Medical Waste*. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- O. *Noncontact Cooling Water*. Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- P. *Pass Through*. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the [municipality] NPDES permit, including an increase in the magnitude or duration of a violation.
- Q. *Person*. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.
- R. *pH*. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- S. *Pollutant*. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, flow, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- T. *Pretreatment*. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, a discharge of such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants, unless allowed by an applicable Pretreatment Standard.
- U. *Pretreatment Requirements*. Any substantive or procedural requirement related to pretreatment imposed on an IU, other than a Pretreatment Standard.
- V. *Pretreatment Standards or Standards*. Pretreatment Standards shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits, including BMPs.
- W. *Prohibited Discharge Standards or Prohibited Discharges*. Absolute prohibitions against the discharge of certain Pollutants; these prohibitions appear in subsection 2.1 of this Ordinance.
- X. *Publicly Owned Treatment Works or POTW* means a treatment works as defined by section 212 of the Act (33 U.S.C section 1292), which is owned by a State or municipality (as defined by section 502(4) of the Act). This definition includes any devices and systems

used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in section 502(4) of the Act, which has jurisdiction over the Indirect Discharges to and the discharges from such a treatment works.

Y. *POTW Treatment Plant*. That portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

Z. *Septic Tank Waste*. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

AA. *Sewage*. Human excrement and gray water (as from showers, dishwashing operations, sinks, bathes, or washing machines).

BB. *Significant Industrial User or SIU*. :All IUs subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

1. Any other IU that:

- a. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, Noncontact Cooling Water and boiler blowdown wastewater);
- b. Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
- c. Is designated as such by the Control Authority on the basis that the IU has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6)).

CC. *Slug Load or Slug Discharge*. Any discharge at a flow rate or concentration, which could cause a violation of the Prohibited discharge Standards in subsection 2.1 of this Ordinance. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Pretreatment Requirements.

DD. *Storm Water*. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

EE. *Total Suspended Solids, Suspended Solids or TSS*. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering.

- FF. *Wastewater.* Liquid and water-carried Pollutants from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

SECTION 2—GENERAL SEWER USE REQUIREMENTS

2.1 — Prohibited Discharge Standards

- A. General Prohibitions. No IU shall introduce or cause to be introduced into the POTW any Pollutant which causes Pass Through or Interference. These general prohibitions and the specific prohibitions in paragraph B. of this subsection apply to all IUs of the POTW whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No IU shall introduce or cause to be introduced into the POTW the following Pollutants:
1. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 2. Wastewater having a pH less than 5.0 [**Optional Upper pH Limit** – or more than X.X s.u.]², or otherwise causing corrosive structural damage to the POTW or equipment;
 3. Solid or viscous Pollutants in amounts which will cause obstruction of the flow in the POTW resulting in Interference. [**Optional:** Solid or viscous Pollutants shall not be discharged whole or ground by garbage grinders. This includes, but is not limited to ashes, cinders, sand, oil and grease from food service establishments, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, paunch manure, hair and flesh, entrails, and paper dishes, cups, milk containers, etc.];
 4. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the POTW;
 5. Heat in amounts which will inhibit biological activity in the POTW resulting in Interference, but in no case heat in such quantities that the temperature at the POTW Treatment Plant exceeds 40 °C (104 °F) unless the Approval Authority, upon request of the POTW, approves alternate temperature limits.

² The Pretreatment Regulations at 40 CFR 403.5(b)(2) establish a lower pH limit of 5.0, the POTW may establish an upper pH limit based on an evaluation of its collection system and treatment works. However, the establishment of an upper pH limit above 12.5 allows the discharge of characteristic hazardous waste and triggers reporting, as required by 40 CFR 403.12(p) and subsection 4.3 of this ordinance.

6. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
7. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
8. Trucked or hauled Pollutants, except at discharge points designated by the POTW in accordance with Section 8 of this Ordinance;

[Optional: Discharge prohibitions (1) through (8) are required from the Pretreatment Regulations found in 40 CFR Part 403.5, are applicable to every IU in the service area, and therefore must be included in the ordinance. The following discharge prohibitions are examples of additional prohibitions developed by local municipalities and are dependent on local, environmental or collection system concerns in your service area.]

9. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
10. Wastewater which imparts color which cannot be removed by the POTW Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the POTW Treatment Plant's effluent, thereby violating the [municipality's] NPDES permit;
11. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
12. Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted Wastewater, unless specifically authorized by the [municipality];
13. Sludges, screenings, or other residues from the Pretreatment of industrial wastes;
14. Wastewater causing, alone or in conjunction with other sources, the POTW Treatment Plant's effluent to fail toxicity tests;
15. Detergents, surface-active agents, or other Pollutants that might cause excessive foaming in the POTW or receiving waters;
16. Fats, oils, or greases of animal or vegetable origin in concentrations which could cause a problem to the collection system or the POTW (e.g., restricted flow in pipes, sewage backups, lift station operation issues, decreased treatment, etc.);
17. Wastewater causing a reading on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW;
18. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishment or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers. However, garbage grinders shall only be used to grind

small amounts of garbage incidental to cleaning of plates, cookware, etc. and not to dispose of large quantities of waste. Waste must be scraped into a garbage can prior to cleaning;

19. Unusual Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), or Total Suspended Solids (TSS) in quantities as to constitute a significant additional load on the POTW.³
20. Wastewater containing Pollutants which are not amenable to transport, treatment or reduction in concentration by the POTW and POTW Treatment Plant processes employed, or are amenable to treatment only to such a degree that the POTW Treatment Plant effluent cannot meet the requirements of regulatory agencies having jurisdiction over discharge of effluent to the receiving waters;
21. Wastewater which, by interaction with other wastewater in the POTW, releases obnoxious gases, forms suspended solids which interfere with the collection system, or creates a condition deleterious to structures and treatment processes;
22. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW of more than 5% or any single reading over 10% of the lower explosive limit of the meter.
23. Liquid Wastes from chemical toilets, trailers, campers or other recreational vehicles which have been collected or held in tanks or other containers shall not be discharged into the POTW except at locations authorized by the [municipality] to collect such wastes.
24. Pollutants, substances, or Wastewater prohibited by this subsection shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 — National Categorical Pretreatment Standards

Categorical Industrial Users (CIUs) must comply with applicable Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471. In order to facilitate notification from the POTW to the Control Authority regarding discharges from CIUs, CIUs shall notify the [municipality] at least 90 days prior to discharge. CIUs also have additional sampling, reporting, and notification requirements to the Control Authority.

2.3 — Site-Specific Limits

³ The POTW may establish surcharge values for IUs discharging high strength wastewater containing BOD, COD, TSS or ammonia for the additional costs of treating this wastewater and using the POTW's design capacity reserved for the residential population. However, the POTW cannot exceed its design capacity and should consider establishing upper limits of surcharge values for these conventional pollutants to ensure protection against the impacts of these high strength wastewaters.

The POTW may establish Local Limits⁴, additional site-specific pollutant limits, Best Management Practices, or additional Pretreatment Requirements when, in the judgment of the [municipality], such limitations are necessary to implement the provisions of this Chapter, including the Discharge prohibitions in subsection 2.1. These additional limits shall be public noticed prior to implementation by the [municipality]

2.4 — Best Management Practices (BMPs)

The POTW may develop BMPs to implement the prohibitions of subsection 2.1 of this Chapter. BMPs shall be considered Pretreatment Standards and Local Limits for purposes of this Chapter and section 307(d) of the Act.

The POTW may establish specific sector control programs for Industrial Users to control specific pollutants, as necessary, to meet the objectives of this Chapter. Pollutants subject to these sector control programs will generally be controlled using BMPs or by permits, as determined by the POTW. These sector control programs shall not limit the POTW's authority to inspect, sample, require reports, enforce or otherwise carry out its responsibility under this Chapter.

The specific sector control program BMPs and requirements shall be developed and documented in a policy, which shall be public noticed. Elements of a BMP-based sector control program may include, but are not limited to the following:

1. Installation of appropriately-sized treatment;
2. Requirements for prohibitions on certain practices or discharges;
3. Requirements for the operation and maintenance of treatment equipment; and
4. Procedures for compliance certification, reporting and records retention.

2.5 – Confidential Business Information

All records, reports, data or other information supplied by any person or Industrial User as a result of any disclosure required by this Chapter or information and data from inspections shall be available for public inspection except as otherwise provided in this Section, 40 CFR Section 403.14 and the [applicable state law]. These provisions shall not be applicable to any information designated as a trade secret by the person supplying such information. Materials designated as a trade secret may include, but shall not be limited to: processes, operations, style of work or apparatus or confidential commercial or statistical data. Any information and data submitted by the Industrial User which is desired to be considered a trade secret shall have the words, "Confidential Business Information," stamped on each page containing such information. The Industrial User must demonstrate to the satisfaction of the POTW that the release of such

⁴ The POTW should contact its Approval Authority (EPA or the State) for additional discussion regarding the procedures for developing legally-defensible local limits. EPA Region 8 can provide outreach regarding the technical evaluation of local limits using site-specific standards and adequate datasets of the POTW and service area and the approval/public participation procedures.

information would divulge information, processes or methods of production entitled to protection as trade secrets of the Industrial User.

Information designated as a trade secret pursuant to this subsection shall remain confidential and shall not be subject to public inspection. Such information shall be available only to officers, employees or authorized representatives of the POTW charged with implementing and enforcing the provisions of this Chapter and properly identified representatives of the EPA and the [State Permitting Agency]. Effluent data from any Industrial User whether obtained by self-monitoring, monitoring by the POTW or monitoring by any state or federal agency, shall not be considered a trade secret or otherwise confidential. All such effluent data shall be available for public inspection.

2.6 — Dilution

No IU shall increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The POTW may impose mass limitations on IUs who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

SECTION 3—PRETREATMENT OF WASTEWATER

3.1 — Pretreatment Facilities

IUs shall provide Wastewater treatment, as necessary, to comply with this Chapter and shall achieve compliance prior to discharge. Any facilities necessary for compliance shall be provided, operated, and maintained at the IU's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the POTW for review, and shall be acceptable to the POTW before such facilities are constructed. Acceptance by the POTW of any such facilities shall not be construed as a guarantee or agreement by the POTW that such facilities will achieve compliance with this Chapter. The review of such plans and operating procedures shall in no way relieve the IU from the responsibility of modifying such facilities, as necessary, to produce a discharge acceptable to the POTW under the provisions of this Ordinance.

3.2 — Additional Pretreatment and Monitoring Requirements

- A. Whenever deemed necessary, the POTW may require an IU to restrict its discharge, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate domestic wastestreams from non-domestic wastestreams, and impose such other conditions as may be necessary to protect the POTW and determine the IU's compliance with the requirements of this Chapter.
- B. The POTW may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.

- C. The POTW may require any person discharging into the POTW to install at the owner's or operator's own expense suitable monitoring facilities or equipment which isolates appropriate wastewater discharges into the wastewater system and facilitates accurate observation, sampling and measurement of discharges. The equipment shall be maintained in proper working order and kept safe and accessible without restriction to POTW personnel at all times. Where practical, the monitoring equipment shall be located and maintained on the Industrial User's premises outside of the building.
- D. IUs with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

SECTION 4 – NOTIFICATION AND REPORTING

4.1 — Industrial User Questionnaire

If the POTW deems it necessary to assure compliance with the provisions of this Chapter, any IU of the POTW may be required to submit a Wastewater Discharge permit application, questionnaire, or other reports and notifications in a format and timeframe specified by the POTW. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the Industrial User must submit documentation required by the POTW or the Pretreatment Standards to determine the compliance status of the Industrial User. Any Industrial User subject to this reporting requirement shall submit a completed report no later than thirty (30) days after receipt of the notification and appropriate forms.

4.2 — Notification of Change in Discharge

All Industrial Users shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under 40 CFR section 403.12(p). Additionally, significant Industrial Users are required to notify the POTW immediately of any changes in their facilities affecting potential for a Slug Discharge.

4.3 — Notification of Hazardous Waste Discharge

Industrial users shall notify the POTW, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities in writing of any Discharge into the POTW of any substance which, if otherwise disposed of, would be considered a hazardous waste under 40 CFR section 261. Each Industrial User shall notify the POTW in advance of any substantial change to such discharge. The specific information required to be reported and the time frames in which it is to be reported are found at 40 CFR section 403.12(p).

4.4 — Report of Potential Problems

- A. In the case of any discharge, including, but not limited to, spills, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, a Slug discharge or a discharge that may cause potential problems for the POTW, the Industrial User shall immediately telephone and notify the POTW of the incident. This notification shall include:
1. Name of the facility;
 2. Location of the facility;
 3. Name of the caller;
 4. Date and time of the discharge;
 5. Date and time discharge was halted;
 6. Location of the discharge;
 7. Type of waste;
 8. Estimated volume of the discharge;
 9. Estimated concentration of pollutants in the discharge;
 10. Corrective actions taken to halt the discharge; and
 11. Method of disposal, if applicable.
- B. Within five (5) working days following such discharge, the Industrial User shall, unless waived by the POTW in writing, submit a detailed written report describing the cause(s) of the Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the Industrial User of any fines, penalties, or other liability which may be imposed pursuant to this Chapter.

4.5 — Authorized Signature for Reports

All reports and questionnaires required to be submitted by the above provisions shall bear the signature of an Authorized Representative of the discharging entity and shall include the following certification statement as set forth in 40 CFR section 403.6(a)(2)(ii):

"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 ensure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or the 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 a fine and imprisonment for knowing violations."

SECTION 5 – RECORDKEEPING

All records (including documentation associated with BMPs) shall be retained by the user for a minimum period of three (3) years, shall be made immediately available upon request of the POTW at any time during the three (3) year period or so long as actually retained.

SECTION 6—SLUG DISCHARGE CONTROL

- A. Each Industrial User shall provide protection from accidental discharges and Slug Loads of pollutants regulated under this Chapter. Facilities to prevent the discharge of spills or Slug Loads shall be provided and maintained at the Industrial User's expense.
- B. The POTW may evaluate whether each Industrial User needs a Spill Prevention and Control Plan or other action to control spills and Slug Discharges. The POTW may require an Industrial User to develop, submit for approval, and implement a Slug/Spill Plan or take such other action that may be necessary to control spills and Slug Discharges.
- C. A Slug/Spill Plan shall include, at a minimum, the following:
 - 1. Detailed plans (schematics) showing facility layout and plumbing representative of operating procedures;
 - 2. Description of contents and volumes of any process tanks;
 - 3. Description of discharge practices, including non-routine batch discharges;
 - 4. Listing of stored chemicals, including location and volumes;
 - 5. Procedures for immediately notifying the POTW of any spill or Slug Discharge. It is the responsibility of the Industrial User to comply with the reporting requirements in subsection 4.
 - 6. 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; and
 - 7. Any other information as required by the POTW.

SECTION 7—COMPLIANCE AND ENFORCEMENT

7.1 — Time for Compliance

All existing IUs must come into compliance with the terms of this Chapter upon the effective date.

7.2 — Additional Information

- A. If the POTW deems it necessary to assure compliance with the provisions of this Chapter, any IU of the POTW may be required to submit a Wastewater Discharge permit application, questionnaire, or other reports and notifications in a format and timeframe specified by the POTW. These requirements may include, but are not limited to:
1. Wastewater Discharge peak rate and volume over a specified time period;
 2. Chemical analysis of wastewater;
 3. Information on raw materials, processes, and products affecting wastewater volume and quality;
 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other material important to sewer use control;
 5. A plot plan of sewers on the IU's property showing sewer and pretreatment facility locations;
 6. Details of wastewater pretreatment facilities;
 7. Details of system to prevent and control the losses of materials through spills to the POTW; and
 8. Signed certification by the authorized representative of the IU.
- B. The POTW will evaluate the data furnished by the IU and may require additional information to determine compliance with the provisions of this Chapter. The POTW may deny the request to discharge non-domestic wastewater to the POTW or allow discharge under conditions determined by the POTW to protect against Pass Through or Interference.
- C. The POTW may require IUs to install monitoring equipment as necessary, per section 3 of this ordinance. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the IU at its expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.

7.3 – Right of Entry

The POTW shall have the right to enter the premises of any IU to determine whether the IU is complying with all requirements of this Chapter. IUs shall allow the POTW ready access to all parts of the premises for the purposes of inspection (including the use of digital photography to gather information), sampling, records examination and copying, and the performance of any additional duties. Denial of access shall constitute a violation of this Chapter.

SECTION 8— ADMINISTRATIVE/JUDICIAL ENFORCEMENT REMEDIES

8.1 — Notification of Violation

When the POTW finds that an IU has violated, or continues to violate, any provision of this ordinance or any other Pretreatment Standard or Requirement, the POTW may serve upon that IU a written Notice of Violation. Within five (5) working days of the receipt of such notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the IU to the [municipality]. Submission of such a plan in no way relieves the IU of liability for any violations occurring before or after receipt of the Notice of Violation. If the plan for correction submitted by the IU is not satisfactory to the [municipality], the POTW may take further action, including potentially suspending service as provided for in subsection 8.2.

Nothing in this subsection shall limit the authority of the POTW to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

8.2 — Suspension of Service

The POTW may suspend water service and/or wastewater treatment service in order to stop an actual or threatened Discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, the environment, causes Pass Through or Interference, causes the POTW to violate any condition of its NPDES Permit, or for violations of this Chapter. Any IU notified of a suspension of the water service and/or wastewater treatment service shall immediately stop or eliminate the Discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the POTW shall take such steps as deemed necessary including immediate physical severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to individuals or the environment.

8.3 — Administrative Order

When the POTW finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an individual wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW may issue an order to the Industrial User responsible for the discharge directing that the Industrial User immediately come into compliance or within a time specified by the POTW.

If the Industrial User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the Industrial User of liability for any violation, including any continuing violation during the time it takes the Industrial User to come into compliance.

Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the Industrial User

8.4 — Administrative Penalty

- A. When the POTW finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, an individual wastewater Discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW may fine such Industrial User in an amount not to exceed \$1,000⁵ per day per violation. Such fines shall be assessed on a per-violation, per day basis. In the case of monthly or other long-term average Discharge limits, fines shall be assessed for each day during the period of violation.
- B. The POTW may, in addition to fines, collect charges to pay for damage to the POTW, fines issued to the POTW, and any other costs incurred by the POTW as a result of the IU's noncompliance.
- C. A lien against the Industrial User's property shall be sought for unpaid charges, fines, and penalties.
- D. Issuance of an administrative fine shall not be a bar against, or prerequisite for, taking any other action against the Industrial User.

8.5 — Judicial Enforcement Remedies

A. Injunctive Relief

When the POTW finds that an Industrial User has violated, or continues to violate, any provision of this Chapter, and individual wastewater discharge permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW may petition the [Municipal Court] for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the order, or other requirement imposed by this Chapter on activities of the Industrial User. The POTW may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the Industrial User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against an Industrial User.

⁵The Pretreatment Regulations at 40 CFR 403.8(f)(1)(vi)(A) establish the minimum amount of \$1,000 a day for each violation. However, this was established in the 1980's and have not been adjusted since then to account for inflation. EPA Region 8 recommends the POTW establish the penalty amounts in at least \$5,000 per day per violation, if allowed under State law.

[Optional section- The municipality must ensure that hauled industrial waste is adequately regulated and should take measures to ensure that haulers of Septic Tank Waste are not introducing industrial waste to the POTW. The following is one possible means of regulating hauled waste, including RV wastes.]

SECTION 9—Trucked and Hauled Waste

9.1 — Hauled Wastewater

The POTW may prohibit the discharge of trucked/hauled septic tank waste, industrial waste, and RV waste to the POTW.

Trucked/Hauled waste may be discharged into the POTW only at locations designated by the POTW, and at such times established by the POTW. Such waste shall not violate Section 2 of this Chapter or any other requirements established by the POTW. The discharge of hauled waste is subject to all other requirements of this ordinance. The POTW may require the following:

1. Septic tank waste haulers to obtain individual wastewater Discharge permits.
2. The POTW may collect samples of each hauled load to ensure compliance with applicable Pretreatment Standards and Requirements.
3. The POTW may require the industrial waste hauler to provide a waste analysis of any load prior to Discharge.

Any Person discharging Septic Tank Waste and industrial Waste must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler (individual person and company), permit number (if applicable), truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

9.2 — RV Disposal Stations⁶

The POTW may allow RV disposal sites in its service area if the quality or quantity of the RV waste does not impact the POTW, including the collection system. The POTW [may/will] require RV disposal sites in the service area to ensure adequate controlled access to its disposal site including locked access, sign-in records for persons discharging from the RV, record keeping by the RV disposal site, and other information, as deemed appropriate by the [Superintendent].

⁶ EPA Region 8 recommends the POTW identify RV disposal stations within the service area and determine if they are adequately controlled (locks on disposal site, sign in requirements, controlled access hours, etc.) to protect against illicit non-RV Discharges. In addition, the POTW should evaluate the quality and quantity of wastewater from these RV disposal sites to determine if these high-strength wastestreams impact the POTW.