
EPA MODEL PRETREATMENT ORDINANCE



Office of Wastewater Management/
Permits Division



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U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
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Ordinance Key

Required Pretreatment Streamlining Rule changes are designated as a *Required Streamlining Rule Change* in 10 point font bold italics.

[Informational notes are in brackets in 10 point bold font]

Optional requirements (not-required by 40 CFR Part 403) are labeled: “**{optional}**” in 10 point bold font.

1 EPA MODEL PRETREATMENT ORDINANCE

2
3 INTRODUCTION

4
5 The United States Environmental Protection Agency (EPA), Office of Wastewater
6 Management, Water Permits Division has prepared this Model Pretreatment Ordinance. It is for
7 use by municipalities operating Publicly Owned Treatment Works (POTWs) that are required to
8 develop pretreatment programs to regulate industrial discharges to their systems. The model
9 ordinance should also be useful for communities with POTWs that are not *required* to implement
10 a pretreatment program in drafting local ordinances to control nondomestic dischargers within
11 their jurisdictions.

12
13 A municipality should not adopt the model ordinance verbatim. Instead, the model
14 ordinance should be used as a guide for adopting new or revised provisions of local law to
15 implement and enforce a pretreatment program that fulfills requirements set out in the *Code of*
16 *Federal Regulations* (CFR). The municipality must consider conditions at its POTW and consult
17 State law to determine what adjustments might need to be made to the model ordinance and what
18 provisions are authorized under State law. Many provisions in the model ordinance contain
19 blanks or brackets; these indicate that the provision must be adapted to the POTW's
20 circumstances. Also, bracketed notes in bold, 10 point print are provided for certain provisions,
21 explaining issues the municipality must consider when crafting local provisions. To remove the
22 line numbering go to *File > Page Setup > Layout*. Under *Preview* and *Apply to:* select *Whole*
23 *document order*. Then click on *Line Numbers* and deselect *Add line numbering*.

24
25 Some provisions in the model ordinance are not strictly required by the General
26 Pretreatment Regulations (40 CFR Part 403); however, they have been included because they
27 may be useful in ensuring that the municipality has adequate legal authority to effectively
28 implement its local pretreatment program. In addition, the model ordinance includes additional,
29 other provisions that, while included in the "Pretreatment Streamlining Rule (October 14, 2005,
30 70 FR 60134) are not required elements of a local pretreatment program. These provisions are
31 designated as optional, and are indicated as such in the ordinance by "**{optional}**". Furthermore,
32 POTWs considering adopting the non-required provisions of the *Pretreatment Streamlining Rule*
33 should verify with their Approval Authority to determine whether these optional items are
34 available for implementation. Where a municipality either must adopt a provision similar to the
35 one in the model ordinance or develop its own means of accomplishing that section's objective,
36 the section is preceded by a bracketed note explaining the municipality's options. Other
37 provisions, such as the model ordinance's statement of purpose and effective date, are necessary
38 only to the extent that they are typical of any local ordinance.

39
40 POTWs should be aware that any change to their pretreatment ordinance is considered a
41 modification to their approved pretreatment program. All modifications to a POTW's approved
42 pretreatment program must be submitted to the Approval Authority in accordance with 40 CFR
43 403.18. It is EPA's expectation that States will review POTW ordinances to ensure that the
44 ordinances are consistent with State law. POTWs should request this review from their States.
45

46 EPA Regions and representatives of various States and municipalities provided valuable
47 comments in helping to prepare this document.

48
49 This EPA Model Pretreatment Ordinance also is available on EPA's Web site at
50 <http://www.epa.gov/npdes/pretreatment> in Adobe PDF77 format.

51

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EPA MODEL PRETREATMENT ORDINANCE

ORDINANCE NO. []

SECTION 1—GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for Users of the Publicly Owned Treatment Works for the [City of] and enables [the City] to comply with 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 Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- E. **{Optional}** To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- F. To enable [the City] to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all Users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of individual wastewater discharge permits [or general permit **{optional}**]; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; [and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. **{Optional}** **[Note: Not all programs distribute the cost of the program through fees (some come out of the general budget) so Section 15 may not be applicable to your municipality and indicates that it is optional to have pretreatment charges and fees.]**

196 1.2 Administration

197
198 Except as otherwise provided herein, [the Superintendent] shall administer, implement, and
199 enforce the provisions of this ordinance. Any powers granted to or duties imposed upon [the
200 Superintendent] may be delegated by [the Superintendent] to a duly authorized [City] employee.
201

202 1.3 Abbreviations

203
204 The following abbreviations, when used in this ordinance, shall have the designated meanings:
205

- 206 BOD – Biochemical Oxygen Demand
- 207 BMP – Best Management Practice
- 208 BMR – Baseline Monitoring Report
- 209 CFR – *Code of Federal Regulations*
- 210 CIU – Categorical Industrial User
- 211 COD – Chemical Oxygen Demand
- 212 EPA – U.S. Environmental Protection Agency
- 213 gpd – gallons per day
- 214 IU – Industrial User
- 215 mg/l – milligrams per liter
- 216 NPDES – National Pollutant Discharge Elimination System
- 217 NSCIU – Non-Significant Categorical Industrial User
- 218 POTW – Publicly Owned Treatment Works
- 219 RCRA – Resource Conservation and Recovery Act
- 220 SIU – Significant Industrial User
- 221 SNC – Significant Noncompliance
- 222 TSS – Total Suspended Solids
- 223 U.S.C. – United States Code

224
225 1.4 Definitions

226
227 Unless a provision explicitly states otherwise, the following terms and phrases, as used in this
228 ordinance, shall have the meanings hereinafter designated.
229

230 **[Note: Each of the terms and phrases defined below are used at least once in the ordinance. When the**
231 **municipality adopts its final version of the ordinance, it should delete from this Section all terms not used.]**
232

233 A. Act or “the Act.” The Federal Water Pollution Control Act, also known as the Clean
234 Water Act, as amended, 33 U.S.C. section 1251 et seq.
235

236 B. Approval Authority. **[Note: Designate the State as the Approval Authority if the State has an**
237 **EPA-approved pretreatment program. Alternatively, designate the appropriate Regional**
238 **Administrator of EPA as the Approval Authority in a nonapproved State.]**
239

240 C. Authorized or Duly Authorized Representative of the User.

241
242 (1) If the User is a corporation:

243
244 (a) The president, secretary, treasurer, or a vice-president of the corporation in
245 charge of a principal business function, or any other person who performs similar
246 policy or decision-making functions for the corporation; or

247
248 (b) The manager of one or more manufacturing, production, or operating
249 facilities, provided the manager is authorized to make management decisions that
250 govern the operation of the regulated facility including having the explicit or
251 implicit duty of making major capital investment recommendations, and initiate
252 and direct other comprehensive measures to assure long-term environmental
253 compliance with environmental laws and regulations; can ensure that the
254 necessary systems are established or actions taken to gather complete and
255 accurate information for individual wastewater discharge permit [or general
256 permit {optional}] requirements; and where authority to sign documents has been
257 assigned or delegated to the manager in accordance with corporate procedures.

258
259 (2) If the User is a partnership or sole proprietorship: a general partner or
260 proprietor, respectively.

261
262 (3) If the User is a Federal, State, or local governmental facility: a director or
263 highest official appointed or designated to oversee the operation and performance
264 of the activities of the government facility, or their designee.

265
266 (4) The individuals described in paragraphs 1 through 3, above, may designate a
267 Duly Authorized Representative if the authorization is in writing, the
268 authorization specifies the individual or position responsible for the overall
269 operation of the facility from which the discharge originates or having overall
270 responsibility for environmental matters for the company, and the written
271 authorization is submitted to [the City].

272
273 D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the
274 biochemical oxidation of organic matter under standard laboratory procedures for five (5)
275 days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

276
277 E. Best Management Practices or BMPs means schedules of activities, prohibitions of
278 practices, maintenance procedures, and other management practices to implement the
279 prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include
280 treatment requirements, operating procedures, and practices to control plant site runoff,
281 spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note:
282 BMPs also include alternative means (i.e., management plans) of complying with, or in place of
283 certain established categorical Pretreatment Standards and effluent limits.]
284

- 285 F. Categorical Pretreatment Standard or Categorical Standard. Any regulation
286 containing pollutant discharge limits promulgated by EPA in accordance with sections
287 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of
288 Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
289
- 290 G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment
291 Standard or categorical Standard.
292
- 293 H. [City]. [The City of] or [the City Council of].
294
- 295 I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all
296 compounds, both organic and inorganic, in water.
297
- 298 J. Control Authority. The [City]
299
- 300 K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant
301 collected during a calendar day.
302
- 303 L. Daily Maximum Limit. The maximum allowable discharge limit of a pollutant
304 during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the
305 daily discharge is the total mass discharged over the course of the day. Where Daily
306 Maximum Limits are expressed in terms of a concentration, the daily discharge is the
307 arithmetic average measurement of the pollutant concentration derived from all
308 measurements taken that day.
309
- 310 M. Environmental Protection Agency or EPA. The U.S. Environmental Protection
311 Agency or, where appropriate, the Regional Water Management Division Director, the
312 Regional Administrator, or other duly authorized official of said agency.
313
- 314 K. Existing Source. Any source of discharge that is not a “New Source.”
315
- 316 L. Grab Sample. A sample that is taken from a wastestream without regard to the
317 flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
318
- 319 M. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from
320 any nondomestic source.
321
- 322 N. Instantaneous Limit. The maximum concentration of a pollutant allowed to be
323 discharged at any time, determined from the analysis of any discrete or composited
324 sample collected, independent of the industrial flow rate and the duration of the sampling
325 event. **[Note: If the POTW would like the flexibility to measure compliance with either a single grab
326 sample or sample representative of the discharge day, the POTW should establish both Daily
327 Maximum and Instantaneous Limits.]**
328
- 329 O. Interference. A discharge that, alone or in conjunction with a discharge or discharges
330 from other sources, inhibits or disrupts the POTW, its treatment processes or operations
331 or its sludge processes, use or disposal; and therefore, is a cause of a violation of [the

City's] NPDES permit 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.

P. Local Limit. Specific discharge limits developed and enforced by [the City] upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Q. 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.

R. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

S. Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

T. New Source.

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

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

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.

(2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new

378 building, structure, facility, or installation meeting the criteria of Section (1)(b) or
379 (c) above but otherwise alters, replaces, or adds to existing process or production
380 equipment.

381
382 (3) Construction of a New Source as defined under this paragraph has commenced
383 if the owner or operator has:

384 (a) Begun, or caused to begin, as part of a continuous onsite construction program

385
386 (i) any placement, assembly, or installation of facilities or equipment; or
387 (ii) significant site preparation work including clearing, excavation, or
388 removal of existing buildings, structures, or facilities which is necessary for
389 the placement, assembly, or installation of new source facilities or equipment;
390 or
391

392
393 (b) Entered into a binding contractual obligation for the purchase of facilities or
394 equipment which are intended to be used in its operation within a reasonable time.
395 Options to purchase or contracts which can be terminated or modified without
396 substantial loss, and contracts for feasibility, engineering, and design studies do
397 not constitute a contractual obligation under this paragraph.
398

399 U. Noncontact Cooling Water. Water used for cooling that does not come into direct
400 contact with any raw material, intermediate product, waste product, or finished product.
401

402 V. Pass Through. A discharge which exits the POTW into waters of the United States in
403 quantities or concentrations which, alone or in conjunction with a discharge or discharges
404 from other sources, is a cause of a violation of any requirement of [the City's] NPDES
405 permit, including an increase in the magnitude or duration of a violation.
406

407 W. Person. Any individual, partnership, copartnership, firm, company, corporation,
408 association, joint stock company, trust, estate, governmental entity, or any other legal
409 entity; or their legal representatives, agents, or assigns. This definition includes all
410 Federal, State, and local governmental entities.
411

412 X. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.
413

414 Y. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage,
415 garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological
416 materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar
417 dirt, municipal, agricultural and industrial wastes, and certain characteristics of
418 wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
419

420 Z. Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants,
421 or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of,
422 introducing such pollutants into the POTW. This reduction or alteration can be obtained
423 by physical, chemical, or biological processes; by process changes; or by other means,

424 except by diluting the concentration of the pollutants unless allowed by an applicable
425 Pretreatment Standard.

426
427 AA. Pretreatment Requirements. Any substantive or procedural requirement related to
428 pretreatment imposed on a User, other than a Pretreatment Standard.

429
430 BB. Pretreatment Standards or Standards. Pretreatment Standards shall mean prohibited
431 discharge standards, categorical Pretreatment Standards, and Local Limits.

432
433 CC. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions
434 against the discharge of certain substances; these prohibitions appear in Section 2.1 of
435 this ordinance.

436
437 DD. Publicly Owned Treatment Works or POTW. A treatment works, as defined by
438 section 212 of the Act (33 U.S.C. section 1292), which is owned by [the City]. This
439 definition includes any devices or systems used in the collection, storage, treatment,
440 recycling, and reclamation of sewage or industrial wastes of a liquid nature and any
441 conveyances, which convey wastewater to a treatment plant.

442
443 EE. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical
444 toilets, campers, trailers, and septic tanks.

445
446 FF. Sewage. Human excrement and gray water (household showers, dishwashing
447 operations, etc.).

448
449 GG. Significant Industrial User (SIU).

450
451 Except as provided in paragraphs (3) and (4) of this Section, a Significant
452 Industrial User is:

453
454 (1) An Industrial User subject to categorical Pretreatment Standards; or

455
456 (2) An Industrial User that:

457
458 (a) Discharges an average of twenty-five thousand (25,000) gpd or more of
459 process wastewater to the POTW (excluding sanitary, noncontact cooling and
460 boiler blowdown wastewater);

461 (b) Contributes a process wastestream which makes up five (5) percent or more of
462 the average dry weather hydraulic or organic capacity of the POTW treatment
463 plant; or

464 (c) Is designated as such by [the City] on the basis that it has a reasonable
465 potential for adversely affecting the POTW's operation or for violating any
466 Pretreatment Standard or Requirement.

467
468 **{Optional} [Note: The following provision may be included in the local ordinances only if authorized under**
469 **State law. Criteria for reduced reporting must also include any criteria defined in applicable State**
470 **requirements.]**

471
472 (3) The [City] may determine that an Industrial User subject to categorical
473 Pretreatment Standards is a Non-Significant Categorical Industrial User rather
474 than a Significant Industrial User on a finding that the Industrial User never
475 discharges more than 100 gallons per day (gpd) of total categorical wastewater
476 (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless
477 specifically included in the Pretreatment Standard) and the following conditions
478 are met:

- 479
480 (a) The Industrial User, prior to [City's] finding, has consistently complied with
481 all applicable categorical Pretreatment Standards and Requirements;
482 (b) The Industrial User annually submits the certification statement required in
483 Section 6.14 B [see 40 CFR 403.12(q)], together with any additional information
484 necessary to support the certification statement; and
485 (c) The Industrial User never discharges any untreated concentrated wastewater.

486
487 (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part
488 has no reasonable potential for adversely affecting the POTW's operation or for
489 violating any Pretreatment Standard or Requirement, [the City] may at any time,
490 on its own initiative or in response to a petition received from an Industrial User,
491 and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such
492 User should not be considered a Significant Industrial User.

493
494 HH. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which
495 could cause a violation of the prohibited discharge standards in Section 2.1 of this
496 ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature,
497 including but not limited to an accidental spill or a non-customary batch Discharge,
498 which has a reasonable potential to cause Interference or Pass Through, or in any other
499 way violate the POTW's regulations, Local Limits or Permit conditions.

500
501 II. Storm Water. Any flow occurring during or following any form of natural
502 precipitation, and resulting from such precipitation, including snowmelt.

503
504 JJ. [Superintendent]. The person designated by [the City] to supervise the operation of
505 the POTW, and who is charged with certain duties and responsibilities by this ordinance.
506 The term also means a Duly Authorized Representative of the [Superintendent].

507
508 KK. Total Suspended Solids or Suspended Solids. The total suspended matter that floats
509 on the surface of, or is suspended in, water, wastewater, or other liquid, and that is
510 removable by laboratory filtering.

511
512 LL. User or Industrial User. A source of indirect discharge.

513
514 MM. Wastewater. Liquid and water-carried industrial wastes and sewage from
515 residential dwellings, commercial buildings, industrial and manufacturing facilities, and
516 institutions, whether treated or untreated, which are contributed to the POTW.

517
 518 NN. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which
 519 is designed to provide treatment of municipal sewage and industrial waste.
 520

521 SECTION 2—GENERAL SEWER USE REQUIREMENTS
 522

523 2.1 Prohibited Discharge Standards
 524

525 A. General Prohibitions. No User shall introduce or cause to be introduced into the
 526 POTW any pollutant or wastewater which causes Pass Through or Interference. These
 527 general prohibitions apply to all Users of the POTW whether or not they are subject to
 528 categorical Pretreatment Standards or any other National, State, or local Pretreatment
 529 Standards or Requirements.
 530

531 B. Specific Prohibitions. No User shall introduce or cause to be introduced into the
 532 POTW the following pollutants, substances, or wastewater:
 533

534 (1) Pollutants which create a fire or explosive hazard in the POTW, including,
 535 but not limited to, wastestreams with a closed-cup flashpoint of less than 140
 536 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
 537

538 (2) Wastewater having a pH less than 5.0 [or more than ____], or otherwise
 539 causing corrosive structural damage to the POTW or equipment;
 540

541 **[Note: The municipality should be aware that the General Pretreatment Regulations at 40 CFR 403.5(b) do**
 542 **not set an upper pH limit, although many municipalities find such a limit necessary or useful. If the**
 543 **municipality wishes to set an upper pH limit, it should insert one in this Section. 40 CFR 261.22 established**
 544 **that wastes discharged with a pH over 12.5 are considered corrosive hazardous wastes and therefore, the**
 545 **POTW would need to comply with applicable requirements under the Resource Conservation and Recovery**
 546 **Act and implementing regulations for Treatment, Storage, and Disposal facilities if such wastes are delivered**
 547 **to the POTW by truck, rail, or dedicated pipe. Accordingly, if the POTW chooses to prohibit discharge of**
 548 **characteristic hazardous wastes, the upper pH limit must be no greater than 12.5.]**
 549

550 (3) Solid or viscous substances in amounts which will cause obstruction of the
 551 flow in the POTW resulting in Interference [but in no case solids greater
 552 than ____ inch(es) (____”) or ____ centimeter(s) (____ cm) in any
 553 dimension];
 554

555 (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a
 556 discharge at a flow rate and/or pollutant concentration which, either singly or by
 557 interaction with other pollutants, will cause Interference with the POTW;
 558

559 (5) Wastewater having a temperature greater than [____degrees F (____degrees
 560 C)], or which will inhibit biological activity in the treatment plant resulting in
 561 Interference, but in no case wastewater which causes the temperature at the
 562 introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
 563

564 (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin,
565 in amounts that will cause Interference or Pass Through;

566
567 (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within
568 the POTW in a quantity that may cause acute worker health and safety problems;

569
570 (8) Trucked or hauled pollutants, except at discharge points designated by [the
571 Superintendent] in accordance with Section 3.4 of this ordinance;

572
573 **{Note: Discharge prohibitions B.(1) through B.(8) are mandatory National Pretreatment Standards**
574 **and must be included in the ordinance; discharge prohibitions B.(9) through B.(18) below are**
575 **optional.}**

576
577 (9) Noxious or malodorous liquids, gases, solids, or other wastewater which,
578 either singly or by interaction with other wastes, are sufficient to create a public
579 nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or
580 repair; **{optional}**

581
582 (10) Wastewater which imparts color which cannot be removed by the treatment
583 process, such as, but not limited to, dye wastes and vegetable tanning solutions,
584 which consequently imparts color to the treatment plant's effluent, thereby
585 violating [the City's] NPDES permit; **{optional}**

586
587 (11) Wastewater containing any radioactive wastes or isotopes except in
588 compliance with applicable State or Federal regulations; **{optional}**

589
590 (12) Storm Water, surface water, ground water, artesian well water, roof runoff,
591 subsurface drainage, swimming pool drainage, condensate, deionized water,
592 Noncontact Cooling Water, and unpolluted wastewater, unless specifically
593 authorized by [the Superintendent]; **{optional}**

594
595 (13) Sludges, screenings, or other residues from the pretreatment of industrial
596 wastes; **{optional}**

597
598 (14) Medical Wastes, except as specifically authorized by [the Superintendent] in
599 an individual wastewater discharge permit [or a general permit **{optional}**];
600 **{optional}**

601
602 (15) Wastewater causing, alone or in conjunction with other sources, the
603 treatment plant's effluent to fail toxicity test; **{optional}**

604
605 (16) Detergents, surface-active agents, or other substances which that might cause
606 excessive foaming in the POTW; **{optional}**

607
608 (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater
609 than [() mg/l]; **{Note: Numeric limits for these pollutants may be placed in**
610 **Section 2.4} {optional}**

611
612 (18) Wastewater causing two readings on an explosion hazard meter at the point
613 of discharge into the POTW, or at any point in the POTW, of more than [_____
614 percent (____%)] or any single reading over [_____
615 percent (____%)] of the
616 Lower Explosive Limit of the meter. {optional}

617 Pollutants, substances, or wastewater prohibited by this Section shall not be processed or stored
618 in such a manner that they could be discharged to the POTW.

619
620 2.2 National Categorical Pretreatment Standards

621
622 Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I,
623 Subchapter N, Parts 405–471.

624
625 **[Note: State procedures for incorporation by reference must be followed. EPA regulations at 40 CFR 403.13**
626 **authorize a CIU to obtain a variance from a categorical Pretreatment Standard if the CIU can prove,**
627 **pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge**
628 **are fundamentally different from the factors considered by EPA when developing the categorical**
629 **Pretreatment Standard. The POTW might need to include a provision authorizing it to incorporate or**
630 **recognize revised Standards if the User has obtained an FDF variance from EPA on the basis of 40 CFR**
631 **403.13. That CIU’s Standards would be replaced by the revised FDF variance Standard.]**
632

633 A. Where a categorical Pretreatment Standard is expressed only in terms of either the
634 mass or the concentration of a pollutant in wastewater, [the Superintendent] may impose
635 equivalent concentration or mass limits in accordance with Section 2.2E and 2.2F.
636 {Optional} [Note: See 40 CFR 403.6(c)]
637

638 B. When the limits in a categorical Pretreatment Standard are expressed only in terms of
639 mass of pollutant per unit of production, the [Superintendent] may convert the limits to
640 equivalent limitations expressed either as mass of pollutant discharged per day or effluent
641 concentration for purposes of calculating effluent limitations applicable to individual
642 Industrial Users. {Optional} [Note: See 40 CFR 403.6(c)(2)]
643

644 C. When wastewater subject to a categorical Pretreatment Standard is mixed with
645 wastewater not regulated by the same Standard, [the Superintendent] shall impose an
646 alternate limit in accordance with 40 CFR 403.6(e).
647

648 {Optional}[Note: The following provision may be included in the local ordinance at the
649 municipality’s discretion.]
650

651 D. A CIU may obtain a net/gross adjustment to a categorical Pretreatment Standard in
652 accordance with the following paragraphs of this Section. [Note: See 40 CFR 403.15]
653

654 (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of
655 pollutants in the Industrial User’s intake water in accordance with this Section.
656 Any Industrial User wishing to obtain credit for intake pollutants must make
657 application to the [City]. Upon request of the Industrial User, the applicable
658 Standard will be calculated on a “net” basis (i.e., adjusted to reflect credit for

659 pollutants in the intake water) if the requirements of paragraph (2) of this Section
660 are met.

661 (2) Criteria.

- 662 a. Either (i) The applicable categorical Pretreatment Standards contained in 40
663 CFR subchapter N specifically provide that they shall be applied on a net
664 basis; or (ii) The Industrial User demonstrates that the control system it
665 proposes or uses to meet applicable categorical Pretreatment Standards would,
666 if properly installed and operated, meet the Standards in the absence of
667 pollutants in the intake waters.
- 668 b. Credit for generic pollutants such as biochemical oxygen demand (BOD),
669 total suspended solids (TSS), and oil and grease should not be granted unless
670 the Industrial User demonstrates that the constituents of the generic measure
671 in the User's effluent are substantially similar to the constituents of the
672 generic measure in the intake water or unless appropriate additional limits are
673 placed on process water pollutants either at the outfall or elsewhere.
- 674 c. Credit shall be granted only to the extent necessary to meet the applicable
675 categorical Pretreatment Standard(s), up to a maximum value equal to the
676 influent value. Additional monitoring may be necessary to determine
677 eligibility for credits and compliance with Standard(s) adjusted under this
678 Section.
- 679 d. Credit shall be granted only if the User demonstrates that the intake water is
680 drawn from the same body of water as that into which the POTW discharges.
681 The [City] may waive this requirement if it finds that no environmental
682 degradation will result.

683
684 **{Optional} [Note: The following optional provision may be included in the local ordinances only if authorized**
685 **under State law.]**

686
687 E. When a categorical Pretreatment Standard is expressed only in terms of pollutant
688 concentrations, an Industrial User may request that [the City] convert the limits to
689 equivalent mass limits. The determination to convert concentration limits to mass limits
690 is within the discretion of the [Superintendent]. [The City] may establish equivalent mass
691 limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a)
692 through 2.2E(1)(e) below.

693
694 (1) To be eligible for equivalent mass limits, the Industrial User must:

- 695 a. Employ, or demonstrate that it will employ, water conservation methods and
696 technologies that substantially reduce water use during the term of its
697 individual wastewater discharge permit;
- 698 b. Currently use control and treatment technologies adequate to achieve
699 compliance with the applicable categorical Pretreatment Standard, and not
700 have used dilution as a substitute for treatment;
- 701 c. Provide sufficient information to establish the facility's actual average daily
702 flow rate for all wastestreams, based on data from a continuous effluent flow
703 monitoring device, as well as the facility's long-term average production rate.
704 Both the actual average daily flow rate and the long-term average production
705 rate must be representative of current operating conditions;

- 706 d. Not have daily flow rates, production levels, or pollutant levels that vary so
 707 significantly that equivalent mass limits are not appropriate to control the
 708 Discharge; and
- 709 e. Have consistently complied with all applicable categorical Pretreatment
 710 Standards during the period prior to the Industrial User's request for
 711 equivalent mass limits.
- 712 (2) An Industrial User subject to equivalent mass limits must:
- 713 a. Maintain and effectively operate control and treatment technologies adequate
 714 to achieve compliance with the equivalent mass limits;
- 715 b. Continue to record the facility's flow rates through the use of a continuous
 716 effluent flow monitoring device;
- 717 c. Continue to record the facility's production rates and notify the
 718 [Superintendent] whenever production rates are expected to vary by more than
 719 20 percent from its baseline production rates determined in paragraph
 720 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the
 721 [Superintendent] will reassess the equivalent mass limit and revise the limit as
 722 necessary to reflect changed conditions at the facility; and
- 723 d. Continue to employ the same or comparable water conservation methods and
 724 technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this
 725 Section so long as it discharges under an equivalent mass limit.
- 726
- 727 (3) When developing equivalent mass limits, the [Superintendent]:
- 728 a. Will calculate the equivalent mass limit by multiplying the actual average
 729 daily flow rate of the regulated process(es) of the Industrial User by the
 730 concentration-based Daily Maximum and Monthly Average Standard for the
 731 applicable categorical Pretreatment Standard and the appropriate unit
 732 conversion factor;
- 733 b. Upon notification of a revised production rate, will reassess the equivalent
 734 mass limit and recalculate the limit as necessary to reflect changed conditions
 735 at the facility; and
- 736 c. May retain the same equivalent mass limit in subsequent individual
 737 wastewater discharger permit terms if the Industrial User's actual average
 738 daily flow rate was reduced solely as a result of the implementation of water
 739 conservation methods and technologies, and the actual average daily flow
 740 rates used in the original calculation of the equivalent mass limit were not
 741 based on the use of dilution as a substitute for treatment pursuant to Section
 742 2.6. The Industrial User must also be in compliance with Section 13.3
 743 regarding the prohibition of bypass.]

744
 745 **{Optional} [Note: The following optional provisions (F–I) may be included in the local ordinances only if**
 746 **authorized under State law.]**
 747

748 F. [The Superintendent] may convert the mass limits of the categorical Pretreatment
 749 Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of
 750 calculating limitations applicable to individual Industrial Users. The conversion is at the
 751 discretion of the [Superintendent].
 752

753 [Note: When converting such limits to concentration limits, the [Superintendent] will use the
754 concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that
755 dilution is not being substituted for treatment as prohibited by Section 2.6 of this ordinance (see 40
756 CFR 403.6(d)). In addition, the [Superintendent] will document how the equivalent limits were
757 derived for any changes from concentration to mass limits, or vice versa, and make this information
758 publicly available (see 40 CFR 403.6(c)(7)).]
759

760 G. Once included in its permit, the Industrial User must comply with the equivalent
761 limitations developed in this Section (2.2) in lieu of the promulgated categorical
762 Standards from which the equivalent limitations were derived. [Note: See 40 CFR
763 403.6(c)(7)]
764

765 H. Many categorical Pretreatment Standards specify one limit for calculating maximum
766 daily discharge limitations and a second limit for calculating maximum Monthly
767 Average, or 4-day average, limitations. Where such Standards are being applied, the same
768 production or flow figure shall be used in calculating both the average and the maximum
769 equivalent limitation. [Note: See 40 CFR 403.6(c)(8)]
770

771 I. Any Industrial User operating under a permit incorporating equivalent mass or
772 concentration limits calculated from a production-based Standard shall notify the
773 [Superintendent] within two (2) business days after the User has a reasonable basis to
774 know that the production level will significantly change within the next calendar month.
775 Any User not notifying the [Superintendent] of such anticipated change will be required
776 to meet the mass or concentration limits in its permit that were based on the original
777 estimate of the long term average production rate. [Note: See 40 CFR 403.6(c)(9)]
778

779 2.3 State Pretreatment Standards

780
781 Users must comply with [State Pretreatment Standards] codified at [insert appropriate cite to
782 State statute or law].
783

784 2.4 Local Limits

785
786 [Note: Municipalities need to establish limits for some or all of the pollutants listed below, and might need to
787 set limits for pollutants not listed below. The municipality may also establish Best Management Practices
788 (BMPs) to control certain pollutants. The municipality will provide public notice and an opportunity to
789 respond to interested parties (40 CFR 403.5(c)(3)). This requirement applies whether Local Limits are set by
790 ordinance or on a case-by-case basis.]
791

792 A. The [Superintendent] is authorized to establish Local Limits pursuant to 40 CFR
793 403.5(c).
794

795 [Note: The municipality may set limits as instantaneous maximums or for other durations (e.g., Daily
796 Maximum or Monthly Average Limits). The municipality should define these durations in the definition
797 Section.]
798

799 B. The following pollutant limits are established to protect against Pass Through and
800 Interference. No person shall discharge wastewater containing in excess of the following
801 [insert the duration, for example Daily Maximum Limit].

802
 803 [Note: The approach of charging only for the “excess” loading presumes the standard sewer charges already
 804 provide appropriate payment for concentrations up to domestic strength. Many POTWs establish surcharges
 805 for conventional pollutants amenable to treatment, such as BOD₅ and TSS. Ordinances should clearly
 806 distinguish between surcharges and Local Limits. Surcharges are additional charges to recover the cost to
 807 treat wastewater that are typically assessed when discharge concentrations are above defined values, typically
 808 above domestic wastewater. Enforceable Local Limits for conventional pollutants are established where
 809 there is potential for these pollutants to be discharged to the POTW in quantities or concentrations that could
 810 exceed the POTW’s plant capacity. When IUs discharge in excess of a Local Limit, they are subject to
 811 enforcement actions.]

812			
813	[	]	mg/l ammonia
814	[	]	mg/l arsenic
815	[	]	mg/l BOD ₅
816	[	]	mg/l cadmium
817	[	]	mg/l chromium
818	[	]	mg/l copper
819	[	]	mg/l cyanide
820	[	]	mg/l lead
821	[	]	mg/l mercury
822	[	]	mg/l molybdenum
823	[	]	mg/l nitrogen (total)
824	[	]	mg/l nickel
825	[	]	mg/l oil and/or grease [Note: Oil and/or grease limits should be defined as a
826			polar, nonpolar, or total oil and grease limits.]
827	[	]	mg/l selenium
828	[	]	mg/l silver
829	[	]	mg/l total phenols
830	[	]	mg/l total suspended solids
831	[	]	mg/l zinc

832
 833 The above limits apply at the point where the wastewater is discharged to the POTW. All
 834 concentrations for metallic substances are for total metal unless indicated otherwise. [The
 835 Superintendent] may impose mass limitations in addition to the concentration-based limitations
 836 above.

837
 838 [Note: For additional information on Local Limits, refer to Local Limits Development Guidance, EPA Office
 839 of Wastewater Management, July 2004, EPA (833-R-04-002A). Available via the Web at
 840 http://www.epa.gov/npdes/pubs/final_local_limits_guidance.pdf and
 841 http://www.epa.gov/npdes/pubs/final_local_limits_appendices.pdf]

842
 843 {Optional} [Note: The following optional provision may be included in the local ordinances only if authorized
 844 under State law.]

845
 846 C. [The Superintendent] may develop Best Management Practices (BMPs), by ordinance
 847 or in individual wastewater discharge permits [or general permits {optional}], to
 848 implement Local Limits and the requirements of Section 2.1.

849

850 2.5 [City's] Right of Revision

851
852 The [City] reserves the right to establish, by ordinance or in individual wastewater discharge
853 permits [or in general permits {optional}], more stringent Standards or Requirements on
854 discharges to the POTW consistent with the purpose of this ordinance.

855
856 2.6 Dilution

857
858 No User shall ever increase the use of process water, or in any way attempt to dilute a discharge,
859 as a partial or complete substitute for adequate treatment to achieve compliance with a discharge
860 limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.
861 [The Superintendent] may impose mass limitations on Users who are using dilution to meet
862 applicable Pretreatment Standards or Requirements, or in other cases when the imposition of
863 mass limitations is appropriate.

864
865 SECTION 3—PRETREATMENT OF WASTEWATER

866
867 3.1 Pretreatment Facilities

868
869 Users shall provide wastewater treatment as necessary to comply with this ordinance and shall
870 achieve compliance with all categorical Pretreatment Standards, Local Limits, and the
871 prohibitions set out in Section 2.1 of this ordinance within the time limitations specified by EPA,
872 the State, or [the Superintendent], whichever is more stringent. Any facilities necessary for
873 compliance shall be provided, operated, and maintained at the User's expense. Detailed plans
874 describing such facilities and operating procedures shall be submitted to [the Superintendent] for
875 review, and shall be acceptable to [the Superintendent] before such facilities are constructed.
876 The review of such plans and operating procedures shall in no way relieve the User from the
877 responsibility of modifying such facilities as necessary to produce a discharge acceptable to [the
878 City] under the provisions of this ordinance.

879
880 3.2 Additional Pretreatment Measures

881
882 {Optional}[Note: The following provisions are optional. The municipality may include provisions authorizing
883 it to do the following.]

884
885 A. Whenever deemed necessary, [the Superintendent] may require Users to restrict their
886 discharge during peak flow periods, designate that certain wastewater be discharged only
887 into specific sewers, relocate and/or consolidate points of discharge, separate sewage
888 wastestreams from industrial wastestreams, and such other conditions as may be
889 necessary to protect the POTW and determine the User's compliance with the
890 requirements of this ordinance.

891
892 B. [The Superintendent] may require any person discharging into the POTW to install
893 and maintain, on their property and at their expense, a suitable storage and flow-control
894 facility to ensure equalization of flow. An individual wastewater discharge permit [or a
895 general permit {optional}] may be issued solely for flow equalization.

896

897 **[Note: The City should modify this Section to conform to design, maintenance, inspection and BMP**
 898 **requirements for oil and grease control.]**
 899

900 C. Grease, oil, and sand interceptors shall be provided when, in the opinion of [the
 901 Superintendent], they are necessary for the proper handling of wastewater containing
 902 excessive amounts of grease and oil, or sand; except that such interceptors shall not be
 903 required for residential users. All interception units shall be of a type and capacity
 904 approved by [the Superintendent], [shall comply with [the City's Oil and Grease
 905 Management ordinance (if applicable, cite), and] shall be so located to be easily
 906 accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and
 907 repaired [in accordance with [the City's Oil and Grease Management ordinance (if
 908 applicable, cite)] by the User at their expense.

909
 910 D. Users with the potential to discharge flammable substances may be required to install
 911 and maintain an approved combustible gas detection meter.
 912

913 3.3 Accidental Discharge/Slug Discharge Control Plans

914
 915 [The Superintendent] shall evaluate whether each SIU needs an accidental discharge/slug
 916 discharge control plan or other action to control Slug Discharges. [The Superintendent] may
 917 require any User to develop, submit for approval, and implement such a plan or take such other
 918 action that may be necessary to control Slug Discharges. Alternatively, [the Superintendent]
 919 may develop such a plan for any User. An accidental discharge/slug discharge control plan shall
 920 address, at a minimum, the following:
 921

922 A. Description of discharge practices, including nonroutine batch discharges;
 923

924 B. Description of stored chemicals;
 925

926 C. Procedures for immediately notifying [the Superintendent] of any accidental or Slug
 927 Discharge, as required by Section 6.6 of this ordinance; and
 928

929 D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such
 930 procedures include, but are not limited to, inspection and maintenance of storage areas,
 931 handling and transfer of materials, loading and unloading operations, control of plant site
 932 runoff, worker training, building of containment structures or equipment, measures for
 933 containing toxic organic pollutants, including solvents, and/or measures and equipment
 934 for emergency response.
 935

936 3.4 Hauled Wastewater

937
 938 **[Note: The municipality will ensure that hauled industrial waste is adequately regulated and should take**
 939 **measures to ensure that haulers of septic tank waste are not introducing industrial waste to the POTW. The**
 940 **following is one possible means of regulating hauled waste.]**
 941

942 A. Septic tank waste may be introduced into the POTW only at locations designated by
 943 [the Superintendent], and at such times as are established by [the Superintendent]. Such

944 waste shall not violate Section 2 of this ordinance or any other requirements established
945 by [the City]. [The Superintendent] may require septic tank waste haulers to obtain
946 individual wastewater discharge permits [or general permits **{optional}**].
947

948 B. [The Superintendent] may require haulers of industrial waste to obtain individual
949 wastewater discharge permits [or general permits **{optional}**]. [The Superintendent] may
950 require generators of hauled industrial waste to obtain individual wastewater discharge
951 permits [or general permits **{optional}**]. [The Superintendent] also may prohibit the
952 disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to
953 all other requirements of this ordinance.
954

955 C. Industrial waste haulers may discharge loads only at locations designated by [the
956 Superintendent]. No load may be discharged without prior consent of [the
957 Superintendent]. [The Superintendent] may collect samples of each hauled load to ensure
958 compliance with applicable Standards. [The Superintendent] may require the industrial
959 waste hauler to provide a waste analysis of any load prior to discharge.
960

961 D. Industrial waste haulers must provide a waste-tracking form for every load. This
962 form shall include, at a minimum, the name and address of the industrial waste hauler,
963 permit number, truck identification, names and addresses of sources of waste, and
964 volume and characteristics of waste. The form shall identify the type of industry, known
965 or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
966

967 SECTION 4—INDIVIDUAL WASTEWATER DISCHARGE PERMITS [and GENERAL 968 PERMITS **{optional}**]

969
970 **[Note: The municipality must control SIUs through individual wastewater discharge [or general **{optional}**]**
971 **permits. Where provided by State law, the Control Authority may establish the authority to use a general**
972 **permit where certain conditions listed in Section 4.6 (40 CFR 403.8(f)(1)(iii)) are met.]**
973

974 4.1 Wastewater Analysis 975

976 When requested by [the Superintendent], a User must submit information on the nature and
977 characteristics of its wastewater within [()] days of the request. [The Superintendent] is
978 authorized to prepare a form for this purpose and may periodically require Users to update this
979 information.
980

981 4.2 Individual Wastewater Discharge Permit [and General Permit **{optional}**] Requirement 982

983 A. No Significant Industrial User shall discharge wastewater into the POTW without
984 first obtaining an individual wastewater discharge permit [or a general permit **{optional}**]
985 from [the Superintendent], except that a Significant Industrial User that has filed a timely
986 application pursuant to Section 4.3 of this ordinance may continue to discharge for the
987 time period specified therein.
988

989 B. [The Superintendent] may require other Users to obtain individual wastewater
 990 discharge permits [or general permits {optional}] as necessary to carry out the purposes of
 991 this ordinance.

992
 993 C. Any violation of the terms and conditions of an individual wastewater discharge
 994 permit [or a general permit {optional}] shall be deemed a violation of this ordinance and
 995 subjects the wastewater discharge permittee to the sanctions set out in Sections 10
 996 through 12 of this ordinance. Obtaining an individual wastewater discharge permit [or a
 997 general permit {optional}] does not relieve a permittee of its obligation to comply with all
 998 Federal and State Pretreatment Standards or Requirements or with any other requirements
 999 of Federal, State, and local law.

1000
 1001 4.3 Individual Wastewater Discharge [and General {optional}] Permitting: Existing Connections
 1002

1003 Any User required to obtain an individual wastewater discharge permit [or a general permit
 1004 {optional}] who was discharging wastewater into the POTW prior to the effective date of this
 1005 ordinance and who wishes to continue such discharges in the future, shall, within [_____
 1006 (____)] days after said date, apply to [the Superintendent] for an individual wastewater discharge
 1007 permit [or a general permit {optional}] in accordance with Section 4.5 of this ordinance, and shall
 1008 not cause or allow discharges to the POTW to continue after [____ (____)] days of the
 1009 effective date of this ordinance except in accordance with an individual wastewater discharge
 1010 permit [or a general permit {optional}] issued by [the Superintendent].
 1011

1012 4.4 Individual Wastewater Discharge [and General {optional}] Permitting: New Connections
 1013

1014 Any User required to obtain an individual wastewater discharge permit [or a general permit
 1015 {optional}] who proposes to begin or recommence discharging into the POTW must obtain such
 1016 permit prior to the beginning or recommencing of such discharge. An application for this
 1017 individual wastewater discharge permit [or general permit {optional}], in accordance with Section
 1018 4.5 of this ordinance, must be filed at least [____ (____)] days prior to the date upon which
 1019 any discharge will begin or recommence.
 1020

1021 4.5 Individual Wastewater Discharge [and General {optional}] Permit Application Contents
 1022

1023 **[Note: This Section lists the information IUs must provide in their application for an individual wastewater
 1024 discharge permit or general permit (control mechanism). Permits may be individual wastewater discharge
 1025 permits or general permits (See Section 4.6) if allowed by the POTW (Control Authority). POTWs might
 1026 want to modify the type of information required in permit applications on the basis of the size and type of IU
 1027 and the type of permit (individual wastewater discharge permit vs. general permit.) The list of information to
 1028 be submitted in a permit application has been expanded in this version of the model ordinance to include the
 1029 new general permit application requirements (40 CFR 403.8(f)(1)(iii)(A)(2)) and to capture the baseline
 1030 monitoring report (BMR) information which was previously in Section 6.1B (40 CFR 403.12(b)(1)-(7)). The
 1031 BMR Section (6.1B) currently refers back to this (Section 4.5) regarding information that must be submitted
 1032 in the BMR.]**
 1033

1034 A. All Users required to obtain an individual wastewater discharge permit [or a general
 1035 permit {optional}] must submit a permit application. Users that are eligible may request a

- 1036 general permit under Section 4.6. [The Superintendent] may require Users to submit all
1037 or some of the following information as part of a permit application:
1038
- 1039 (1) Identifying Information.
 - 1040 a. The name and address of the facility, including the name of the operator and
1041 owner.
 - 1042 b. Contact information, description of activities, facilities, and plant production
1043 processes on the premises;
1044
 - 1045 (2) Environmental Permits. A list of any environmental control permits held by
1046 or for the facility.
1047
 - 1048 (3) Description of Operations.
 - 1049 a. A brief description of the nature, average rate of production (including each
1050 product produced by type, amount, processes, and rate of production), and
1051 standard industrial classifications of the operation(s) carried out by such User.
1052 This description should include a schematic process diagram, which indicates
1053 points of discharge to the POTW from the regulated processes.
 - 1054 b. Types of wastes generated, and a list of all raw materials and chemicals used
1055 or stored at the facility which are, or could accidentally or intentionally be,
1056 discharged to the POTW;
 - 1057 c. Number and type of employees, hours of operation, and proposed or actual
1058 hours of operation;
 - 1059 d. Type and amount of raw materials processed (average and maximum per day);
 - 1060 e. Site plans, floor plans, mechanical and plumbing plans, and details to show all
1061 sewers, floor drains, and appurtenances by size, location, and elevation, and
1062 all points of discharge;
1063
 - 1064 (4) Time and duration of discharges;
1065
 - 1066 (5) The location for monitoring all wastes covered by the permit;
1067
 - 1068 (6) Flow Measurement. Information showing the measured average daily and
1069 maximum daily flow, in gallons per day, to the POTW from regulated process
1070 streams and other streams, as necessary, to allow use of the combined
1071 wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).
1072
 - 1073 (7) Measurement of Pollutants.
 - 1074 a. The categorical Pretreatment Standards applicable to each regulated process
1075 and any new categorically regulated processes for Existing Sources.
 - 1076 b. The results of sampling and analysis identifying the nature and concentration,
1077 and/or mass, where required by the Standard or by [the Superintendent], of
1078 regulated pollutants in the discharge from each regulated process.
 - 1079 c. Instantaneous, Daily Maximum, and long-term average concentrations, or
1080 mass, where required, shall be reported.

- 1081 d. The sample shall be representative of daily operations and shall be analyzed in
 1082 accordance with procedures set out in Section 6.10 of this ordinance. Where
 1083 the Standard requires compliance with a BMP or pollution prevention
 1084 alternative, the User shall submit documentation as required by the
 1085 [Superintendent] or the applicable Standards to determine compliance with the
 1086 Standard.
 1087 e. Sampling must be performed in accordance with procedures set out in Section
 1088 6.11 of this ordinance.
 1089

1090 (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring
 1091 waiver) for a pollutant neither present nor expected to be present in the discharge
 1092 based on Section 6.4 B [40 CFR 403.12(e)(2)]. **{Optional} [Note: This provision is
 1093 required only if the municipality has incorporated Section 6.4B into its ordinance.]**
 1094

1095 (9) Any request to be covered by a general permit based on Section 4.6. **{Optional}**
 1096 **[Note: This provision is only required if the municipality has incorporated Section 4.6 into
 1097 its ordinance.]**
 1098

1099 (10) Any other information as may be deemed necessary by [the Superintendent]
 1100 to evaluate the permit application.
 1101

1102 B. Incomplete or inaccurate applications will not be processed and will be returned to
 1103 the User for revision.
 1104

1105 4.6 Wastewater Discharge Permitting: General Permits **{Optional}**
 1106

1107 [Note: The option to issue general permits in lieu of individual permits is available only if
 1108 authorized under State law. In such cases, State law may include additional general permit
 1109 requirements. See 40 CFR 403.8(f)(1)(iii)(A)]
 1110

1111 A. At the discretion of the [Superintendent], the [Superintendent] may use general
 1112 permits to control SIU discharges to the POTW if the following conditions are met. All
 1113 facilities to be covered by a general permit must:

- 1114 (1) Involve the same or substantially similar types of operations;
- 1115 (2) Discharge the same types of wastes;
- 1116 (3) Require the same effluent limitations;
- 1117 (4) Require the same or similar monitoring; and
- 1118 (5) In the opinion of the [Superintendent], are more appropriately controlled
 1119 under a general permit than under individual wastewater discharge permits.
 1120

1121 B. To be covered by the general permit, the SIU must file a written request for coverage
 1122 that identifies its contact information, production processes, the types of wastes
 1123 generated, the location for monitoring all wastes covered by the general permit, any
 1124 requests in accordance with Section 6.4 B for a monitoring waiver for a pollutant neither
 1125 present nor expected to be present in the Discharge, and any other information the POTW
 1126 deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be
 1127 present in the discharge is not effective in the general permit until after the

1128 [Superintendent] has provided written notice to the SIU that such a waiver request has
1129 been granted in accordance with Section 6.4B.

1130
1131 C. The [Superintendent] will retain a copy of the general permit, documentation to
1132 support the POTW's determination that a specific SIU meets the criteria in Section
1133 4.6A(1) to (5) and applicable State regulations, and a copy of the User's written request
1134 for coverage for three (3) years after the expiration of the general permit. [Note: See 40
1135 CFR 403.8(f)(1)(iii)(A)(1) through (5).]

1136
1137 D. The [Superintendent] may not control an SIU through a general permit where the
1138 facility is subject to production-based categorical Pretreatment Standards or categorical
1139 Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs
1140 whose limits are based on the Combined Wastestream Formula (Section 2.2C) or
1141 Net/Gross calculations (Section 2.2 D). [Note: See 40 CFR 403.6(e) and 40 CFR 403.15]

1142 1143 4.7 Application Signatories and Certifications

1144
1145 A. All wastewater discharge permit applications, User reports and certification
1146 statements must be signed by an Authorized Representative of the User and contain the
1147 certification statement in Section 6.14 A. [Note: Definition of Authorized Representative has
1148 been revised, see definition at Section 1.4 C]

1149
1150 B. If the designation of an Authorized Representative is no longer accurate because a
1151 different individual or position has responsibility for the overall operation of the facility
1152 or overall responsibility for environmental matters for the company, a new written
1153 authorization satisfying the requirements of this Section must be submitted to [the
1154 Superintendent] prior to or together with any reports to be signed by an Authorized
1155 Representative.

1156
1157 {Optional} [Note: The following optional provision is required if the municipality has incorporated Section
1158 1.4GG(3) into its ordinance].

1159
1160 C. A facility determined to be a Non-Significant Categorical Industrial User by [the
1161 Superintendent] pursuant to 1.4 GG(3) must annually submit the signed certification
1162 statement in Section 6.14 B. [Note: See 40 CFR 403.3(v)(2)]

1163 1164 4.8 Individual Wastewater Discharge [and General {optional}] Permit Decisions

1165
1166 [The Superintendent] will evaluate the data furnished by the User and may require additional
1167 information. Within [____ (____)] days of receipt of a complete permit application, [the
1168 Superintendent] will determine whether to issue an individual wastewater discharge permit [or a
1169 general permit {optional}]. [The Superintendent] may deny any application for an individual
1170 wastewater discharge permit [or a general permit {optional}].

1171

1172 SECTION 5—INDIVIDUAL WASTEWATER DISCHARGE [AND GENERAL {optional}]
 1173 PERMIT ISSUANCE

1174

1175 5.1 Individual Wastewater Discharge [and General {optional}] Permit Duration

1176

1177 An individual wastewater discharge permit [or a general permit {optional}] shall be issued for a
 1178 specified time period, not to exceed five (5) years from the effective date of the permit. An
 1179 individual wastewater discharge permit [or a general permit {optional}] may be issued for a period
 1180 less than five (5) years, at the discretion of [the Superintendent]. Each individual wastewater
 1181 discharge permit [or a general permit {optional}] will indicate a specific date upon which it will
 1182 expire.

1183

1184 5.2 Individual Wastewater Discharge Permit [and General Permit {optional}] Contents

1185

1186 An individual wastewater discharge permit [or a general permit {optional}] shall include such
 1187 conditions as are deemed reasonably necessary by [the Superintendent] to prevent Pass Through
 1188 or Interference, protect the quality of the water body receiving the treatment plant's effluent,
 1189 protect worker health and safety, facilitate sludge management and disposal, and protect against
 1190 damage to the POTW.

1191

1192 A. Individual wastewater discharge permits [and general permits {optional}] must
 1193 contain:

1194

1195 (1) A statement that indicates the wastewater discharge permit issuance date,
 1196 expiration date and effective date; [Note: See Section 5.1.]

1197

1198 (2) A statement that the wastewater discharge permit is nontransferable without
 1199 prior notification to [the City] in accordance with Section 5.5 of this ordinance,
 1200 and provisions for furnishing the new owner or operator with a copy of the
 1201 existing wastewater discharge permit;

1202

1203 (3) Effluent limits, including Best Management Practices, based on applicable
 1204 Pretreatment Standards; [Note: Required Streamlining Rule Change]

1205

1206 (4) Self monitoring, sampling, reporting, notification, and record-keeping
 1207 requirements. These requirements shall include an identification of pollutants (or
 1208 best management practice) to be monitored, sampling location, sampling
 1209 frequency, and sample type based on Federal, State, and local law.

1210

1211 (5) The process for seeking a waiver from monitoring for a pollutant neither
 1212 present nor expected to be present in the Discharge in accordance with Section
 1213 6.4 B. {Optional} [Note: This provision is required only if the municipality has
 1214 incorporated Section 6.4B into its ordinance. Section 4.5A (8) includes an instruction to the
 1215 permittees to include requests for a new (or renewal of an existing) monitoring waiver for a
 1216 pollutant neither present nor expected to be present in the discharge. See 40 CFR
 1217 403.12(e)(2).]

1218

1219 (6) A statement of applicable civil and criminal penalties for violation of
1220 Pretreatment Standards and Requirements, and any applicable compliance
1221 schedule. Such schedule may not extend the time for compliance beyond that
1222 required by applicable Federal, State, or local law.

1223
1224 (7) Requirements to control Slug Discharge, if determined by the
1225 [Superintendent] to be necessary. *[Note: Required Streamlining Rule Change]*

1226
1227 (8) Any grant of the monitoring waiver by the [Superintendent] (Section 6.4 B)
1228 must be included as a condition in the User's permit [or other control
1229 mechanism]. {Optional} **[Note: This provision is required only if the municipality has
1230 incorporated Section 6.4B into its ordinance.]**

1231
1232 B. Individual wastewater discharge permits [or general permits {optional}] may contain,
1233 but need not be limited to, the following conditions:

1234
1235 (1) Limits on the average and/or maximum rate of discharge, time of discharge,
1236 and/or requirements for flow regulation and equalization;

1237
1238 (2) Requirements for the installation of pretreatment technology, pollution
1239 control, or construction of appropriate containment devices, designed to reduce,
1240 eliminate, or prevent the introduction of pollutants into the treatment works;

1241
1242 (3) Requirements for the development and implementation of spill control plans
1243 or other special conditions including management practices necessary to
1244 adequately prevent accidental, unanticipated, or nonroutine discharges;

1245
1246 (4) Development and implementation of waste minimization plans to reduce the
1247 amount of pollutants discharged to the POTW;

1248
1249 (5) The unit charge or schedule of User charges and fees for the management of
1250 the wastewater discharged to the POTW;

1251
1252 (6) Requirements for installation and maintenance of inspection and sampling
1253 facilities and equipment, including flow measurement devices;

1254
1255 (7) A statement that compliance with the individual wastewater discharge permit
1256 [or the general permit {optional}] does not relieve the permittee of responsibility
1257 for compliance with all applicable Federal and State Pretreatment Standards,
1258 including those which become effective during the term of the individual
1259 wastewater discharge permit [or the general permit {optional}]; and

1260
1261 (8) Other conditions as deemed appropriate by [the Superintendent] to ensure
1262 compliance with this ordinance, and State and Federal laws, rules, and
1263 regulations.

1264

1265 5.3 Permit Issuance Process {optional}

1266

1267 A. Public Notification. The [Superintendent] will publish [in an official government
1268 publication and/or newspaper(s) of general circulation that provides meaningful public
1269 notice with the jurisdiction(s) served by the POTW, or on a Web page], a notice to issue a
1270 pretreatment permit, at least [_____ (____) fill in number] days prior to issuance. The
1271 notice will indicate a location where the draft permit may be reviewed and an address
1272 where written comments may be submitted.

1273

1274 B. Permit Appeals. [The Superintendent] shall provide public notice of the issuance of
1275 an individual wastewater discharge permit [or a general permit {optional}]. Any person,
1276 including the User, may petition [the Superintendent] to reconsider the terms of an
1277 individual wastewater discharge permit [or a general permit {optional}] within [_____ (____)
1278 (____) fill in number] days of notice of its issuance.

1279

1280 (1) Failure to submit a timely petition for review shall be deemed to be a waiver
1281 of the administrative appeal.

1282

1283 (2) In its petition, the appealing party must indicate the individual wastewater
1284 discharge permit [or a general permit {optional}] provisions objected to, the
1285 reasons for this objection, and the alternative condition, if any, it seeks to place in
1286 the individual wastewater discharge permit [or a general permit {optional}].

1287

1288 (3) The effectiveness of the individual wastewater discharge permit [or a general
1289 permit {optional}] shall not be stayed pending the appeal.

1290

1291 (4) If [the Superintendent] fails to act within [_____ (____)] days, a request for
1292 reconsideration shall be deemed to be denied. Decisions not to reconsider an
1293 individual wastewater discharge permit [or a general permit {optional}], not to
1294 issue an individual wastewater discharge permit [or a general permit {optional}], or
1295 not to modify an individual wastewater discharge permit [or a general permit
1296 {optional}] shall be considered final administrative actions for purposes of judicial
1297 review.

1298

1299 (5) Aggrieved parties seeking judicial review of the final administrative
1300 individual wastewater discharge permit [or general permit {optional}] decision
1301 must do so by filing a complaint with the [insert name of appropriate Court] for
1302 [proper jurisdiction] within [insert appropriate State Statute of Limitations].

1303

1304 5.4 Permit Modification

1305

1306 A. [The Superintendent] may modify an individual wastewater discharge permit for good
1307 cause, including, but not limited to, the following reasons:

1308

1309 (1) To incorporate any new or revised Federal, State, or local Pretreatment
1310 Standards or Requirements;

- 1311
1312 (2) To address significant alterations or additions to the User’s operation,
1313 processes, or wastewater volume or character since the time of the individual
1314 wastewater discharge permit issuance;
1315
1316 (3) A change in the POTW that requires either a temporary or permanent
1317 reduction or elimination of the authorized discharge;
1318
1319 (4) Information indicating that the permitted discharge poses a threat to [the
1320 City’s] POTW, [City] personnel, or the receiving waters; [**Note: The Control**
1321 **Authority should consider threats to the POTW’s beneficial sludge use.**]
1322
1323 (5) Violation of any terms or conditions of the individual wastewater discharge
1324 permit;
1325
1326 (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater
1327 discharge permit application or in any required reporting;
1328
1329 (7) Revision of or a grant of variance from categorical Pretreatment Standards
1330 pursuant to 40 CFR 403.13;
1331
1332 (8) To correct typographical or other errors in the individual wastewater discharge
1333 permit; or
1334
1335 (9) To reflect a transfer of the facility ownership or operation to a new owner or
1336 operator where requested in accordance with Section 5.5.
1337
1338 **{Optional}[Note: The following provision is optional. The municipality may include a provision authorizing**
1339 **it to do the following.]**
1340
1341 B. [The Superintendent] may modify a general permit for good cause, including, but not
1342 limited to, the following reasons:
1343
1344 (1) To incorporate any new or revised Federal, State, or local Pretreatment
1345 Standards or Requirements;
1346
1347 (2) A change in the POTW that requires either a temporary or permanent
1348 reduction or elimination of the authorized discharge;
1349
1350 (3) To correct typographical or other errors in the individual wastewater discharge
1351 permit; or
1352
1353 (4) To reflect a transfer of the facility ownership or operation to a new owner or
1354 operator where requested in accordance with Section 5.5.
1355

1356 5.5 Individual Wastewater Discharge Permit [and General Permit {optional}] Transfer

1357

1358 Individual wastewater discharge permits [or coverage under general permits {**optional**}] may be
1359 transferred to a new owner or operator only if the permittee gives at least [_____ (____)] days
1360 advance notice to [the Superintendent] and [the Superintendent] approves the individual
1361 wastewater discharge permit [or the general permit coverage {**optional**}] transfer. The notice to
1362 [the Superintendent] must include a written certification by the new owner or operator which:

1363

1364 A. States that the new owner and/or operator has no immediate intent to change the
1365 facility's operations and processes;

1366

1367 B. Identifies the specific date on which the transfer is to occur; and

1368

1369 C. Acknowledges full responsibility for complying with the existing individual
1370 wastewater discharge permit [or general permit {**optional**}].

1371

1372 Failure to provide advance notice of a transfer renders the individual wastewater discharge
1373 permit [or coverage under the general permit {**optional**}] void as of the date of facility transfer.

1374

1375 5.6 Individual Wastewater Discharge Permit [and General Permit {optional}] Revocation

1376

1377 [The Superintendent] may revoke an individual wastewater discharge permit [or coverage under
1378 a general permit {**optional**}] for good cause, including, but not limited to, the following reasons:

1379

1380 A. Failure to notify [the Superintendent] of significant changes to the wastewater prior to
1381 the changed discharge;

1382

1383 B. Failure to provide prior notification to [the Superintendent] of changed conditions
1384 pursuant to Section 6.5 of this ordinance;

1385

1386 C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater
1387 discharge permit application;

1388

1389 D. Falsifying self-monitoring reports and certification statements;

1390

1391 E. Tampering with monitoring equipment;

1392

1393 F. Refusing to allow [the Superintendent] timely access to the facility premises and
1394 records;

1395

1396 G. Failure to meet effluent limitations;

1397

1398 H. Failure to pay fines;

1399

1400 I. Failure to pay sewer charges;

1401

- 1402 J. Failure to meet compliance schedules;
- 1403
- 1404 K. Failure to complete a wastewater survey or the wastewater discharge permit
- 1405 application;
- 1406
- 1407 L. Failure to provide advance notice of the transfer of business ownership of a permitted
- 1408 facility; or
- 1409
- 1410 M. Violation of any Pretreatment Standard or Requirement, or any terms of the
- 1411 wastewater discharge permit [or the general permit {optional}] or this ordinance.
- 1412

1413 Individual wastewater discharge permits [or coverage under general permits {optional}] shall be
1414 voidable upon cessation of operations or transfer of business ownership. All individual
1415 wastewater discharge permits [or general permits {optional}] issued to a User are void upon the
1416 issuance of a new individual wastewater discharge permit [or a general permit {optional}] to that
1417 User.

1418

1419 5.7 Individual Wastewater Discharge Permit [and General Permit {optional}] Reissuance

1420

1421 A User with an expiring individual wastewater discharge permit [or general permit {optional}]
1422 shall apply for individual wastewater discharge permit [or general permit {optional}] reissuance
1423 by submitting a complete permit application, in accordance with Section 4.5 of this ordinance, a
1424 minimum of [_____ (____)] days prior to the expiration of the User's existing individual
1425 wastewater discharge permit [or general permit {optional}].

1426

1427 5.8 Regulation of Waste Received from Other Jurisdictions

1428

1429 **[Note: The municipality must ensure that discharges received from entities outside its jurisdictional**
1430 **boundaries are regulated to the same extent as are discharges from within its jurisdictional boundaries. How**
1431 **a municipality regulates such discharges largely will be determined by what is allowed under its State law.**
1432 **The municipality must determine the extent of its authority under State law to regulate Users located outside**
1433 **its jurisdictional boundaries. If the municipality does not have the legal authority to issue enforceable**
1434 **permits directly to extrajurisdictional dischargers and cannot obtain this authority under State law, it should**
1435 **strongly consider entering into an agreement with the municipality in which the dischargers are located. The**
1436 **agreement would require that the contributing municipality either regulate the dischargers within its**
1437 **jurisdiction directly or allow the municipality (in which the POTW is located) to regulate such dischargers.**
1438 **Following is one possible means of regulating dischargers located outside the municipality's jurisdictional**
1439 **boundaries.]**

1440

- 1441 A. If another municipality, or User located within another municipality, contributes
- 1442 wastewater to the POTW, [the Superintendent] shall enter into an intermunicipal
- 1443 agreement with the contributing municipality.
- 1444

- 1445 B. Prior to entering into an agreement required by paragraph A, above, [the
- 1446 Superintendent] shall request the following information from the contributing
- 1447 municipality:
- 1448

- 1449 (1) A description of the quality and volume of wastewater discharged to the
1450 POTW by the contributing municipality;
1451
1452 (2) An inventory of all Users located within the contributing municipality that are
1453 discharging to the POTW; and
1454
1455 (3) Such other information as [the Superintendent] may deem necessary.
1456

1457 C. An intermunicipal agreement, as required by paragraph A, above, shall contain the
1458 following conditions:
1459

- 1460 (1) A requirement for the contributing municipality to adopt a sewer use
1461 ordinance which is at least as stringent as this ordinance and Local Limits,
1462 including required Baseline Monitoring Reports (BMRs) which are at least as
1463 stringent as those set out in Section 2.4 of this ordinance. The requirement shall
1464 specify that such ordinance and limits must be revised as necessary to reflect
1465 changes made to [the City's] ordinance or Local Limits;
1466
1467 (2) A requirement for the contributing municipality to submit a revised User
1468 inventory on at least an annual basis;
1469
1470 (3) A provision specifying which pretreatment implementation activities,
1471 including individual wastewater discharge permit [or general permit {**optional**}]
1472 issuance, inspection and sampling, and enforcement, will be conducted by the
1473 contributing municipality; which of these activities will be conducted by [the
1474 Superintendent]; and which of these activities will be conducted jointly by the
1475 contributing municipality and [the Superintendent];
1476
1477 (4) A requirement for the contributing municipality to provide [the
1478 Superintendent] with access to all information that the contributing municipality
1479 obtains as part of its pretreatment activities;
1480
1481 (5) Limits on the nature, quality, and volume of the contributing municipality's
1482 wastewater at the point where it discharges to the POTW;
1483
1484 (6) Requirements for monitoring the contributing municipality's discharge;
1485
1486 (7) A provision ensuring [the Superintendent] access to the facilities of Users
1487 located within the contributing municipality's jurisdictional boundaries for the
1488 purpose of inspection, sampling, and any other duties deemed necessary by [the
1489 Superintendent]; and
1490
1491 (8) A provision specifying remedies available for breach of the terms of the
1492 intermunicipal agreement.
1493

1494 **[Note: Where the contributing municipality has primary responsibility for permitting, compliance**
1495 **monitoring, or enforcement, the intermunicipal agreement should specify that the municipality (in which the**

1496 POTW is located) has the right to take action to enforce the terms of the contributing municipality's
1497 ordinance or to impose and enforce Pretreatment Standards and Requirements directly against dischargers
1498 in the event the contributing jurisdiction is unable or unwilling to take such action.]
1499

1500 SECTION 6—REPORTING REQUIREMENTS

1501
1502 6.1 Baseline Monitoring Reports

1503
1504 [Note: Users that become subject to new or revised categorical Pretreatment Standards are required to
1505 comply with the following reporting requirements even if they have been designated as Non-Significant
1506 Categorical Industrial Users]

1507
1508 A. Within either one hundred eighty (180) days after the effective date of a categorical
1509 Pretreatment Standard, or the final administrative decision on a category determination
1510 under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users
1511 currently discharging to or scheduled to discharge to the POTW shall submit to [the
1512 Superintendent] a report which contains the information listed in paragraph B, below. At
1513 least ninety (90) days prior to commencement of their discharge, New Sources, and
1514 sources that become Categorical Industrial Users subsequent to the promulgation of an
1515 applicable categorical Standard, shall submit to [the Superintendent] a report which
1516 contains the information listed in paragraph B, below. A New Source shall report the
1517 method of pretreatment it intends to use to meet applicable categorical Standards. A New
1518 Source also shall give estimates of its anticipated flow and quantity of pollutants to be
1519 discharged.

1520
1521 B. Users described above shall submit the information set forth below.

1522
1523 (1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section
1524 4.5A (3) (a), and Section 4.5A (6). [Note: See 40 CFR 403.12(b)(1)-(7)]

1525
1526 (2) Measurement of pollutants.

1527 a. The User shall provide the information required in Section 4.5 A (7) (a)
1528 through (d).

1529 b. The User shall take a minimum of one representative sample to compile that
1530 data necessary to comply with the requirements of this paragraph.

1531 c. Samples should be taken immediately downstream from pretreatment facilities
1532 if such exist or immediately downstream from the regulated process if no
1533 pretreatment exists. If other wastewaters are mixed with the regulated
1534 wastewater prior to pretreatment the User should measure the flows and
1535 concentrations necessary to allow use of the combined wastestream formula in
1536 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards.
1537 Where an alternate concentration or mass limit has been calculated in
1538 accordance with 40 CFR 403.6(e) this adjusted limit along with supporting
1539 data shall be submitted to the Control Authority;

1540 d. Sampling and analysis shall be performed in accordance with Section 6.10;

- e. The [Superintendent] may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.4 C 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.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. 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 6.2 of this ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.14 A of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(4) of this ordinance:

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

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

C. The User shall submit a progress report to [the Superintendent] no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

1587
1588 D. In no event shall more than nine (9) months elapse between such progress reports to
1589 [the Superintendent].
1590

1591 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline
1592

1593 Within ninety (90) days following the date for final compliance with applicable categorical
1594 Pretreatment Standards, or in the case of a New Source following commencement of the
1595 introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and
1596 Requirements shall submit to [the Superintendent] a report containing the information described
1597 in Section 4.5A(6) and (7) and 6.1(B)(2) of this ordinance. For Users subject to equivalent mass
1598 or concentration limits established in accordance with the procedures in Section 2.2 [**Note: See 40**
1599 **CFR 403.6(c)**], this report shall contain a reasonable measure of the User's long-term production
1600 rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of
1601 allowable pollutant discharge per unit of production (or other measure of operation), this report
1602 shall include the User's actual production during the appropriate sampling period. All
1603 compliance reports must be signed and certified in accordance with Section 6.14 A of this
1604 ordinance. All sampling will be done in conformance with Section 6.11.
1605

1606 6.4 Periodic Compliance Reports
1607

1608 [Note: All SIUs are required to submit periodic compliance reports even if they have been
1609 designated a Non-Significant Categorical Industrial User under the provisions of Section 6.4 C.]
1610

1611 A. Except as specified in Section 6.4.C, all [Significant Industrial] Users must, at a
1612 frequency determined by [the Superintendent] submit no less than twice per year (June
1613 and December [or on dates specified]) reports indicating the nature, concentration of
1614 pollutants in the discharge which are limited by Pretreatment Standards and the measured
1615 or estimated average and maximum daily flows for the reporting period. In cases where
1616 the Pretreatment Standard requires compliance with a Best Management Practice (BMP)
1617 or pollution prevention alternative, the User must submit documentation required by [the
1618 Superintendent] or the Pretreatment Standard necessary to determine the compliance
1619 status of the User [*Note: Required Streamlining Rule Change*].
1620

1621 {Optional} [Note: The following optional provision may be included in the local ordinances only if
1622 authorized under State law. Criteria for monitoring waivers must also include any criteria defined in
1623 applicable State law requirements.]
1624

1625 B. The [City] may authorize an Industrial User subject to a categorical Pretreatment
1626 Standard to forego sampling of a pollutant regulated by a categorical Pretreatment
1627 Standard if the Industrial User has demonstrated through sampling and other technical
1628 factors that the pollutant is neither present nor expected to be present in the Discharge, or
1629 is present only at background levels from intake water and without any increase in the
1630 pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This
1631 authorization is subject to the following conditions:
1632

- 1633 (1) The waiver may be authorized where a pollutant is determined to be present
1634 solely due to sanitary wastewater discharged from the facility provided that the
1635 sanitary wastewater is not regulated by an applicable categorical Standard and
1636 otherwise includes no process wastewater.
1637
- 1638 (2) The monitoring waiver is valid only for the duration of the effective period of
1639 the individual wastewater discharge permit, but in no case longer than 5 years.
1640 The User must submit a new request for the waiver before the waiver can be
1641 granted for each subsequent individual wastewater discharge permit. See Section
1642 4.5A(8).
1643
- 1644 (3) In making a demonstration that a pollutant is not present, the Industrial User
1645 must provide data from at least one sampling of the facility's process wastewater
1646 prior to any treatment present at the facility that is representative of all wastewater
1647 from all processes.
1648
- 1649 (4) The request for a monitoring waiver must be signed in accordance with
1650 Section 1.4C, and include the certification statement in 6.14 A (40 CFR
1651 403.6(a)(2)(ii)).
1652
- 1653 (5) Non-detectable sample results may be used only as a demonstration that a
1654 pollutant is not present if the EPA approved method from 40 CFR Part 136 with
1655 the lowest minimum detection level for that pollutant was used in the analysis.
1656
- 1657 (6) Any grant of the monitoring waiver by the [Superintendent] must be included
1658 as a condition in the User's permit. The reasons supporting the waiver and any
1659 information submitted by the User in its request for the waiver must be
1660 maintained by the [Superintendent] for 3 years after expiration of the waiver.
1661
- 1662 (7) Upon approval of the monitoring waiver and revision of the User's permit by
1663 the [Superintendent], the Industrial User must certify on each report with the
1664 statement in Section 6.14 C below, that there has been no increase in the pollutant
1665 in its wastestream due to activities of the Industrial User.
1666
- 1667 (8) In the event that a waived pollutant is found to be present or is expected to be
1668 present because of changes that occur in the User's operations, the User must
1669 immediately: Comply with the monitoring requirements of Section 6.4 A, or other
1670 more frequent monitoring requirements imposed by the [Superintendent], and
1671 notify the [Superintendent].
1672
- 1673 (9) This provision does not supersede certification processes and requirements
1674 established in categorical Pretreatment Standards, except as otherwise specified in
1675 the categorical Pretreatment Standard.
1676

1677 **[{Optional} Note: The following optional provision may be included in the local ordinances only if authorized**
1678 **under State law. Criteria for reduced reporting must also include any criteria defined in applicable State**
1679 **law.]**

1680
1681 C. The [City] may reduce the requirement for periodic compliance reports [see Section
1682 6.4 A (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a
1683 year, unless required more frequently in the Pretreatment Standard or by the [EPA/State],
1684 where the Industrial User's total categorical wastewater flow does not exceed any of the
1685 following:

1686
1687 (1) [insert POTW's value for 0.01 percent of the POTW's design dry-weather
1688 *hydraulic capacity* of the POTW], or five thousand (5,000) gallons per day,
1689 whichever is smaller, as measured by a continuous effluent flow monitoring
1690 device unless the Industrial User discharges in batches]

1691
1692 (2) [insert POTW's value for 0.01 percent of the design dry-weather *organic*
1693 *treatment capacity* of the POTW]; and

1694
1695 (3) [Insert POTW's value for 0.01 percent of the maximum allowable headworks
1696 loading for any pollutant regulated by the applicable categorical Pretreatment
1697 Standard for which approved Local Limits were developed in accordance with
1698 Section 2.4 of this ordinance.] **[Note: For example, if the POTW's maximum allowable**
1699 **headworks loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds; the**
1700 **POTW would need to do this calculation for each pollutant for which it has approved Local**
1701 **Limits.]**

1702
1703 Reduced reporting is not available to Industrial Users that have in the last two (2) years
1704 been in Significant Noncompliance, as defined in Section 9 of this ordinance. In
1705 addition, reduced reporting is not available to an Industrial User with daily flow rates,
1706 production levels, or pollutant levels that vary so significantly that, in the opinion of the
1707 [Superintendent], decreasing the reporting requirement for this Industrial User would
1708 result in data that are not representative of conditions occurring during the reporting
1709 period.

1710
1711 D. All periodic compliance reports must be signed and certified in accordance with
1712 Section 6.14 A of this ordinance.

1713
1714 E. All wastewater samples must be representative of the User's discharge. Wastewater
1715 monitoring and flow measurement facilities shall be properly operated, kept clean, and
1716 maintained in good working order at all times. The failure of a User to keep its
1717 monitoring facility in good working order shall not be grounds for the User to claim that
1718 sample results are unrepresentative of its discharge. *[Note: This paragraph supports the*
1719 *Required Streamlining Rule Changes.]*

1720
1721 F. If a User subject to the reporting requirement in this section monitors any regulated
1722 pollutant at the appropriate sampling location more frequently than required by [the
1723 Superintendent], using the procedures prescribed in Section 6.11 of this ordinance, the
1724 results of this monitoring shall be included in the report. **[Note: See 40 CFR 403.12(g)(6)]**
1725

1726 {Optional} [Note: The following optional provision may be included in the local ordinances only where the
1727 POTW has been authorized by EPA to accept electronic reports from its IUs and State law authorizes it.]
1728

1729 G. Users that send electronic (digital) documents to [the City] to satisfy the requirements
1730 of this Section must: [specify POTW requirements for IU submittal of electronic reports
1731 here. [Note: POTWs that choose to receive electronic documents must satisfy the requirements of
1732 40 CFR Part 3—(Electronic reporting)]
1733

1734 6.5 Reports of Changed Conditions 1735

1736 Each User must notify [the Superintendent] of any significant changes to the User's operations or
1737 system which might alter the nature, quality, or volume of its wastewater at least [_____
1738 (____)] days before the change.
1739

1740 A. [The Superintendent] may require the User to submit such information as may be
1741 deemed necessary to evaluate the changed condition, including the submission of a
1742 wastewater discharge permit application under Section 4.5 of this ordinance.
1743

1744 B. [The Superintendent] may issue an individual wastewater discharge permit [or a
1745 general permit {optional}] under Section 5.7 of this ordinance or modify an existing
1746 wastewater discharge permit [or a general permit {optional}] under Section 5.4 of this
1747 ordinance in response to changed conditions or anticipated changed conditions.
1748

1749 6.6 Reports of Potential Problems 1750

1751 A. In the case of any discharge, including, but not limited to, accidental discharges,
1752 discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug
1753 Discharge or Slug Load, that might cause potential problems for the POTW, the User
1754 shall immediately telephone and notify [the Superintendent] of the incident. This
1755 notification shall include the location of the discharge, type of waste, concentration and
1756 volume, if known, and corrective actions taken by the User.
1757

1758 B. Within five (5) days following such discharge, the User shall, unless waived by [the
1759 Superintendent], submit a detailed written report describing the cause(s) of the discharge
1760 and the measures to be taken by the User to prevent similar future occurrences. Such
1761 notification shall not relieve the User of any expense, loss, damage, or other liability
1762 which might be incurred as a result of damage to the POTW, natural resources, or any
1763 other damage to person or property; nor shall such notification relieve the User of any
1764 fines, penalties, or other liability which may be imposed pursuant to this ordinance.
1765 {Optional} [Note: This report is not required under the General Pretreatment Regulations and,
1766 therefore, is optional.]
1767

1768 C. A notice shall be permanently posted on the User's bulletin board or other prominent
1769 place advising employees who to call in the event of a discharge described in paragraph
1770 A, above. Employers shall ensure that all employees, who could cause such a discharge
1771 to occur, are advised of the emergency notification procedure.
1772

1773 D. Significant Industrial Users are required to notify the [Superintendent] immediately of
1774 any changes at its facility affecting the potential for a Slug Discharge. *[Note: Required*
1775 *Streamlining Rule Change]*

1776
1777 6.7 Reports from Unpermitted Users

1778
1779 All Users not required to obtain an individual wastewater discharge permit [or general permit
1780 {optional}] shall provide appropriate reports to [the Superintendent] as [the Superintendent] may
1781 require.

1782
1783 6.8 Notice of Violation/Repeat Sampling and Reporting

1784
1785 If sampling performed by a User indicates a violation, the User must notify [the Superintendent]
1786 within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the
1787 sampling and analysis and submit the results of the repeat analysis to [the Superintendent] within
1788 thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not
1789 required if [the City] performs sampling at the User's facility at least once a month, or if [the
1790 City] performs sampling at the User between the time when the initial sampling was conducted
1791 and the time when the User or [the City] receives the results of this sampling, or if [the City] has
1792 performed the sampling and analysis in lieu of the Industrial User.

1793
1794 *[Note: Required Streamlining Rule Change needed if POTW performs sampling in lieu of the Industrial Users.*
1795 *If the City performed the sampling and analysis in lieu of the Industrial User, the City will perform the*
1796 *repeat sampling and analysis unless it notifies the User of the violation and requires the User to perform the*
1797 *repeat sampling and analysis. See 40 CFR 403.12(g) (2).]*

1798
1799 6.9 Notification of the Discharge of Hazardous Waste

1800
1801 **[Note: The municipality may choose to prohibit the discharge of hazardous wastes.]**

1802
1803 A. Any User who commences the discharge of hazardous waste shall notify the POTW,
1804 the EPA Regional Waste Management Division Director, and State hazardous waste
1805 authorities, in writing, of any discharge into the POTW of a substance which, if otherwise
1806 disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must
1807 include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA
1808 hazardous waste number, and the type of discharge (continuous, batch, or other). If the
1809 User discharges more than one hundred (100) kilograms of such waste per calendar
1810 month to the POTW, the notification also shall contain the following information to the
1811 extent such information is known and readily available to the User: an identification of
1812 the hazardous constituents contained in the wastes, an estimation of the mass and
1813 concentration of such constituents in the wastestream discharged during that calendar
1814 month, and an estimation of the mass of constituents in the wastestream expected to be
1815 discharged during the following twelve (12) months. All notifications must take place no
1816 later than one hundred and eighty (180) days after the discharge commences. Any
1817 notification under this paragraph need be submitted only once for each hazardous waste
1818 discharged. However, notifications of changed conditions must be submitted under
1819 Section 6.5 of this ordinance. The notification requirement in this Section does not apply

1820 to pollutants already reported by Users subject to categorical Pretreatment Standards
1821 under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this ordinance.

1822
1823 B. Dischargers are exempt from the requirements of paragraph A, above, during a
1824 calendar month in which they discharge no more than fifteen (15) kilograms of
1825 hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR
1826 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute
1827 hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as
1828 specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.
1829 Subsequent months during which the User discharges more than such quantities of any
1830 hazardous waste do not require additional notification.

1831
1832 C. In the case of any new regulations under section 3001 of RCRA identifying additional
1833 characteristics of hazardous waste or listing any additional substance as a hazardous
1834 waste, the User must notify [the Superintendent], the EPA Regional Waste Management
1835 Waste Division Director, and State hazardous waste authorities of the discharge of such
1836 substance within ninety (90) days of the effective date of such regulations.

1837
1838 D. In the case of any notification made under this Section, the User shall certify that it
1839 has a program in place to reduce the volume and toxicity of hazardous wastes generated
1840 to the degree it has determined to be economically practical.

1841
1842 E. This provision does not create a right to discharge any substance not otherwise
1843 permitted to be discharged by this ordinance, a permit issued thereunder, or any
1844 applicable Federal or State law.

1845 1846 6.10 Analytical Requirements

1847
1848 All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater
1849 discharge permit application or report shall be performed in accordance with the techniques
1850 prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an
1851 applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or
1852 analytical techniques for the pollutant in question, or where the EPA determines that the Part 136
1853 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and
1854 analyses shall be performed by using validated analytical methods or any other applicable
1855 sampling and analytical procedures, including procedures suggested by the [Superintendent] or
1856 other parties approved by EPA.

1857 1858 6.11 Sample Collection

1859
1860 Samples collected to satisfy reporting requirements must be based on data obtained through
1861 appropriate sampling and analysis performed during the period covered by the report, based on
1862 data that is representative of conditions occurring during the reporting period. **[Note: The Control
1863 Authority is require to indicate the frequency of monitoring necessary to assess and assure compliance by the
1864 User with applicable Pretreatment Standards and Requirements.]**
1865

1866 [Note: In the Streamlining Rule changes, Paragraphs A and B below have been deleted from 40 CFR
1867 403.12(b)(5) and added to 40 CFR 403.12(g)(3). The original paragraphs relate to Categorical Industrial User
1868 monitoring reports only while the relocated paragraphs apply to all SIU monitoring.]

1869
1870 A. Except as indicated in Section B and C below, the User must collect wastewater
1871 samples using 24-hour flow-proportional composite sampling techniques, unless
1872 time-proportional composite sampling or grab sampling is authorized by [the
1873 Superintendent]. Where time-proportional composite sampling or grab sampling is
1874 authorized by [the City], the samples must be representative of the discharge. Using
1875 protocols (including appropriate preservation) specified in 40 CFR Part 136 and
1876 appropriate EPA guidance, multiple grab samples collected during a 24-hour period may
1877 be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the
1878 samples may be composited in the laboratory or in the field; for volatile organics and oil
1879 and grease, the samples may be composited in the laboratory. Composite samples for
1880 other parameters unaffected by the compositing procedures as documented in approved
1881 EPA methodologies may be authorized by [the City], as appropriate. In addition, grab
1882 samples may be required to show compliance with Instantaneous Limits. [Note: Required
1883 Streamlining Rule Change. See 40 CFR 403.12(g)(3)]

1884
1885 B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and
1886 volatile organic compounds must be obtained using grab collection techniques.

1887
1888 C. For sampling required in support of baseline monitoring and 90-day compliance
1889 reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four
1890 (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and
1891 volatile organic compounds for facilities for which historical sampling data do not exist;
1892 for facilities for which historical sampling data are available, [the Superintendent] may
1893 authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR
1894 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab
1895 samples necessary to assess and assure compliance by with applicable Pretreatment
1896 Standards and Requirements. [Note: Required Streamlining Rule Change, see 40 CFR
1897 403.12(g)(4).]

1898 1899 6.12 Date of Receipt of Reports

1900
1901 Written reports will be deemed to have been submitted on the date postmarked. For reports,
1902 which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal
1903 Service, the date of receipt of the report shall govern.

1904 1905 6.13 Recordkeeping

1906
1907 Users subject to the reporting requirements of this ordinance shall retain, and make available for
1908 inspection and copying, all records of information obtained pursuant to any monitoring activities
1909 required by this ordinance, any additional records of information obtained pursuant to
1910 monitoring activities undertaken by the User independent of such requirements, and
1911 documentation associated with Best Management Practices established under Section 2.4 C.
1912 Records shall include the date, exact place, method, and time of sampling, and the name of the

1913 person(s) taking the samples; the dates analyses were performed; who performed the analyses;
 1914 the analytical techniques or methods used; and the results of such analyses. These records shall
 1915 remain available for a period of at least three (3) years. This period shall be automatically
 1916 extended for the duration of any litigation concerning the User or [the City], or where the User
 1917 has been specifically notified of a longer retention period by [the Superintendent]. *[Note: The*
 1918 *recordkeeping requirements for BMPs are a Required Streamlining Rule Change.]*
 1919

1920 6.14 Certification Statements

1921
 1922 **[Note: This Section has been modified to consolidate the certification statements previously listed elsewhere.**
 1923 **Section 4.7A&C—Certification of all wastewater discharge permit applications, and User reports and annual**
 1924 **certification of NSCIUs, Section 6.4B(4)—“initial” certification for pollutants not present, Section 6.4B (7)—**
 1925 **Certification of periodic reports of pollutants not present, Section 6.4D—Certification of all periodic**
 1926 **compliance reports.]**
 1927

1928 **[Note: 40 CFR 403.12 (l) requires that the certification which follows be provided for IU Baseline Monitoring**
 1929 **Reports (BMRs) (403.12(b), IU Reports on Compliance with Categorical Pretreatment Standards Deadline**
 1930 **(90-day compliance report) (403.12(d), CIU Periodic Reports on Continued Compliance (403.12(e)) and the**
 1931 **initial request from CIUs to forego Monitoring for Pollutants Not Present. In addition to CIUs, the model**
 1932 **ordinance requires this certification statement for all wastewater discharge permit applications and User**
 1933 **reports. Furthermore, the POTW should require this certification statement for all noncategorical SIU**
 1934 **compliance reports.]**
 1935

1936 A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—
 1937 The following certification statement is required to be signed and submitted by Users
 1938 submitting permit applications in accordance with Section 4.7; Users submitting baseline
 1939 monitoring reports under Section 6.1 B (5) **[Note: See 40 CFR 403.12 (l)]**; Users submitting
 1940 reports on compliance with the categorical Pretreatment Standard deadlines under Section
 1941 6.3 **[Note: See 40 CFR 403.12(d)]**; Users submitting periodic compliance reports required by
 1942 Section 6.4 A–D **[Note: See 40 CFR 403.12(e) and (h)]**, and Users submitting an initial request
 1943 to forego sampling of a pollutant on the basis of Section 6.4B(4)**[Note: See 40 CFR**
 1944 **403.12(e)(2)(iii)]**. The following certification statement must be signed by an Authorized
 1945 Representative as defined in Section 1.4 C:
 1946

1947 I certify under penalty of law that this document and all attachments were
 1948 prepared under my direction or supervision in accordance with a system designed
 1949 to assure that qualified personnel properly gather and evaluate the information
 1950 submitted. Based on my inquiry of the person or persons who manage the system,
 1951 or those persons directly responsible for gathering the information, the
 1952 information submitted is, to the best of my knowledge and belief, true, accurate,
 1953 and complete. I am aware that there are significant penalties for submitting false
 1954 information, including the possibility of fine and imprisonment for knowing
 1955 violations.

1956
 1957 **{Optional} [Note: The following optional provision is required if the municipality has incorporated Section**
 1958 **1.4 GG(3) into its ordinance].**
 1959

1960 B. Annual Certification for Non-Significant Categorical Industrial Users—A facility
 1961 determined to be a Non-Significant Categorical Industrial User by [the Superintendent]

1962 pursuant to 1.4 GG(3) and 4.7 C [Note: See 40 CFR 403.3(v)(2)] must annually submit the
1963 following certification statement signed in accordance with the signatory requirements in
1964 1.4 C [Note: See 40 CFR 403.120(I)]. This certification must accompany an alternative report
1965 required by [the Superintendent]:

1966
1967 Based on my inquiry of the person or persons directly responsible for
1968 managing compliance with the categorical Pretreatment Standards under
1969 40 CFR _____, I certify that, to the best of my knowledge and belief that
1970 during the period from _____, _____ to _____, _____
1971 [months, days, year]:

1972
1973 (a) The facility described as _____
1974 [facility name] met the definition of a Non-Significant Categorical
1975 Industrial User as described in 1.4 GG (3); [Note: See 40 CFR 403.3(v)(2)]

1976
1977 (b) The facility complied with all applicable Pretreatment Standards and
1978 requirements during this reporting period; and (c) the facility never
1979 discharged more than 100 gallons of total categorical wastewater on any
1980 given day during this reporting period.

1981
1982 This compliance certification is based on the following information.

1983
1984 _____
1985 _____
1986 _____

1987
1988 {Optional} [Note: The following optional provision is required if the municipality has incorporated Section
1989 6.4 B into its ordinance].

1990
1991 C. Certification of Pollutants Not Present

1992
1993 Users that have an approved monitoring waiver based on Section 6.4 B must certify on
1994 each report with the following statement that there has been no increase in the pollutant
1995 in its wastestream due to activities of the User. [Note: See 40 CFR 403.12(e)(2)(v)]

1996
1997 Based on my inquiry of the person or persons directly responsible for managing
1998 compliance with the Pretreatment Standard for 40 CFR _____ [specify
1999 applicable National Pretreatment Standard part(s)], I certify that, to the best of my
2000 knowledge and belief, there has been no increase in the level of _____ [list
2001 pollutant(s)] in the wastewaters due to the activities at the facility since filing of
2002 the last periodic report under Section 6.4.A.

2003
2004

SECTION 7—COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

[The Superintendent] shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit [or general permit {**optional**}] or order issued hereunder. Users shall allow [the Superintendent] ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a User has security measures in force which 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, [the Superintendent] shall be permitted to enter without delay for the purposes of performing specific responsibilities.

B. [The Superintendent] shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

C. [The Superintendent] may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated [insert desired frequency] to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of [the Superintendent] and shall not be replaced. The costs of clearing such access shall be born by the User.

E. Unreasonable delays in allowing [the Superintendent] access to the User's premises shall be a violation of this ordinance.

[Note: POTWs should consider situations when the monitoring facility is constructed in the public right-of-way or easement, in an unobstructed location. The ordinance should indicate that the location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities should be provided in accordance with the [Supervisor's] requirements and all applicable local construction standards and specifications, and such facilities shall be constructed and maintained in such manner so as to enable the [Supervisor] to perform independent monitoring activities.]

2048 7.2 Search Warrants

2049
2050 **[Note: The specific process by which search warrants may be issued will vary from City to City. The**
2051 **procedure will likely be a matter of State law. This provision will need to be adjusted based on the particular**
2052 **procedure followed in that State and City.]**

2053
2054 If [the Superintendent] has been refused access to a building, structure, or property, or any part
2055 thereof, and is able to demonstrate probable cause to believe that there may be a violation of this
2056 ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and
2057 sampling program of [the City] designed to verify compliance with this ordinance or any permit
2058 or order issued hereunder, or to protect the overall public health, safety and welfare of the
2059 community, [the Superintendent] may seek issuance of a search warrant from the [insert name of
2060 appropriate Court] of [the City or State].

2061
2062 SECTION 8—CONFIDENTIAL INFORMATION

2063
2064 Information and data on a User obtained from reports, surveys, wastewater discharge permit
2065 applications, individual wastewater discharge permits, [general permits, {optional}] and
2066 monitoring programs, and from [the Superintendent’s] inspection and sampling activities, shall
2067 be available to the public without restriction, unless the User specifically requests, and is able to
2068 demonstrate to the satisfaction of [the Superintendent], that the release of such information
2069 would divulge information, processes, or methods of production entitled to protection as trade
2070 secrets under applicable State law. Any such request must be asserted at the time of submission
2071 of the information or data. When requested and demonstrated by the User furnishing a report
2072 that such information should be held confidential, the portions of a report which might disclose
2073 trade secrets or secret processes shall not be made available for inspection by the public, but
2074 shall be made available immediately upon request to governmental agencies for uses related to
2075 the NPDES program or pretreatment program, and in enforcement proceedings involving the
2076 person furnishing the report. Wastewater constituents and characteristics and other effluent data,
2077 as defined at 40 CFR 2.302 shall not be recognized as confidential information and shall be
2078 available to the public without restriction.

2079
2080 SECTION 9—PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

2081
2082 **[Note: Unless the optional (underlined) revisions to the SNC provisions have been made by the State, the**
2083 **POTW must retain the previous requirements. The optional revisions include the public notice in a**
2084 **newspaper of general circulation that provides meaningful public notice within the jurisdiction, publishing**
2085 **SIUs and other IUs that have adversely affected the POTW, and that IU reports submitted more than 45 days**
2086 **late constitutes SNC. See 40 CFR 403.8(f) (2)(viii)(A-C).]**

2087
2088 [The Superintendent] shall publish annually, in a newspaper of general circulation that provides
2089 meaningful public notice within the jurisdictions served by [the POTW], a list of the Users
2090 which, at any time during the previous twelve (12) months, were in Significant Noncompliance
2091 with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance
2092 shall be applicable to all Significant Industrial Users (or any other Industrial User that violates
2093 paragraphs (C), (D) or (H) of this Section) and shall mean:

2094

- 2095 A. Chronic violations of wastewater discharge limits, defined here as those in which
 2096 sixty-six percent (66%) or more of all the measurements taken for the same pollutant
 2097 parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric
 2098 Pretreatment Standard or Requirement, including Instantaneous Limits as defined in
 2099 Section 2; *[Note: Required Streamlining Rule Change, see 40 CFR 403.3(l)]*
 2100
- 2101 B. Technical Review Criteria (TRC) violations, defined here as those in which
 2102 thirty-three percent (33%) or more of wastewater measurements taken for each pollutant
 2103 parameter during a six- (6-) month period equals or exceeds the product of the numeric
 2104 Pretreatment Standard or Requirement including Instantaneous Limits, as defined by
 2105 Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease,
 2106 and 1.2 for all other pollutants except pH); *[Note: Required Streamlining Rule Change, see 40*
 2107 *CFR 403.3(l)]*
 2108
- 2109 C. Any other violation of a Pretreatment Standard or Requirement as defined by Section
 2110 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that
 2111 [the Superintendent] determines has caused, alone or in combination with other
 2112 discharges, Interference or Pass Through, including endangering the health of POTW
 2113 personnel or the general public; *[Required Streamlining Rule Change, see 40 CFR 403.3(l)]*
 2114
- 2115 D. Any discharge of a pollutant that has caused imminent endangerment to the public or
 2116 to the environment, or has resulted in [the Superintendent's] exercise of its emergency
 2117 authority to halt or prevent such a discharge;
 2118
- 2119 E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule
 2120 milestone contained in an individual wastewater discharge permit [or a general permit
 2121 {**optional**}] or enforcement order for starting construction, completing construction, or
 2122 attaining final compliance;
 2123
- 2124 F. Failure to provide within forty-five (45) days after the due date, any required reports,
 2125 including baseline monitoring reports, reports on compliance with categorical
 2126 Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on
 2127 compliance with compliance schedules;
 2128
- 2129 G. Failure to accurately report noncompliance; or
 2130
- 2131 H. Any other violation(s), which may include a violation of Best Management Practices,
 2132 which [the Superintendent] determines will adversely affect the operation or
 2133 implementation of the local pretreatment program.
 2134

2135 SECTION 10—ADMINISTRATIVE ENFORCEMENT REMEDIES

2136
 2137 **[Note: The municipality must refer to State law to see if the remedies listed in Sections 10, 11, and 12 are**
 2138 **allowable. The municipality must have the authority to seek injunctive relief for noncompliance and to seek**
 2139 **or assess penalties of at least \$1,000 a day for each violation of Pretreatment Standards or Requirements by**
 2140 **Industrial Users.]**
 2141

2142 10.1 Notification of Violation

2143
2144 When [the Superintendent] finds that a User has violated, or continues to violate, any provision
2145 of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or
2146 order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent]
2147 may serve upon that User a written Notice of Violation. Within [()] days of the
2148 receipt of such notice, an explanation of the violation and a plan for the satisfactory correction
2149 and prevention thereof, to include specific required actions, shall be submitted by the User to
2150 [the Superintendent]. Submission of such a plan in no way relieves the User of liability for any
2151 violations occurring before or after receipt of the Notice of Violation. Nothing in this Section
2152 shall limit the authority of [the Superintendent] to take any action, including emergency actions
2153 or any other enforcement action, without first issuing a Notice of Violation.

2154
2155 10.2 Consent Orders

2156
2157 [The Superintendent] may enter into Consent Orders, assurances of compliance, or other similar
2158 documents establishing an agreement with any User responsible for noncompliance. Such
2159 documents shall include specific action to be taken by the User to correct the noncompliance
2160 within a time period specified by the document. Such documents shall have the same force and
2161 effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance
2162 and shall be judicially enforceable.

2163
2164 10.3 Show Cause Hearing

2165
2166 [The Superintendent] may order a User which has violated, or continues to violate, any provision
2167 of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or
2168 order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before [the
2169 Superintendent] and show cause why the proposed enforcement action should not be taken.
2170 Notice shall be served on the User specifying the time and place for the meeting, the proposed
2171 enforcement action, the reasons for such action, and a request that the User show cause why the
2172 proposed enforcement action should not be taken. The notice of the meeting shall be served
2173 personally or by registered or certified mail (return receipt requested) at least [_____ (____)]
2174 days prior to the hearing. Such notice may be served on any Authorized Representative of the
2175 User as defined in Section 1.4 C and required by Section 4.7 A. A show cause hearing shall not
2176 be a bar against, or prerequisite for, taking any other action against the User.

2177
2178 10.4 Compliance Orders

2179
2180 When [the Superintendent] finds that a User has violated, or continues to violate, any provision
2181 of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or
2182 order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent]
2183 may issue an order to the User responsible for the discharge directing that the User come into
2184 compliance within a specified time. If the User does not come into compliance within the time
2185 provided, sewer service may be discontinued unless adequate treatment facilities, devices, or
2186 other related appurtenances are installed and properly operated. Compliance orders also may
2187 contain other requirements to address the noncompliance, including additional self-monitoring

2188 and management practices designed to minimize the amount of pollutants discharged to the
 2189 sewer. A compliance order may not extend the deadline for compliance established for a
 2190 Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability
 2191 for any violation, including any continuing violation. Issuance of a compliance order shall not
 2192 be a bar against, or a prerequisite for, taking any other action against the User.

2193
 2194 10.5 Cease and Desist Orders

2195
 2196 When [the Superintendent] finds that a User has violated, or continues to violate, any provision
 2197 of this ordinance, an individual wastewater discharge permit, [or a general permit {optional}] or
 2198 order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's
 2199 past violations are likely to recur, [the Superintendent] may issue an order to the User directing it
 2200 to cease and desist all such violations and directing the User to:

- 2201 A. Immediately comply with all requirements; and
- 2202
- 2203 B. Take such appropriate remedial or preventive action as may be needed to properly
- 2204 address a continuing or threatened violation, including halting operations and/or
- 2205 terminating the discharge. Issuance of a cease and desist order shall not be a bar
- 2206 against, or a prerequisite for, taking any other action against the User.
- 2207
- 2208

2209 10.6 Administrative Fines

2210
 2211 **[Note: The municipality should consult State law to determine whether it has the legal authority to impose**
 2212 **administrative penalties.]**

2213
 2214 A. When [the Superintendent] finds that a User has violated, or continues to violate, any
 2215 provision of this ordinance, an individual wastewater discharge permit, [or a general
 2216 permit {optional}] or order issued hereunder, or any other Pretreatment Standard or
 2217 Requirement, [the Superintendent] may fine such User in an amount not to exceed [insert
 2218 maximum fine allowed under State Law]. Such fines shall be assessed on a per-violation,
 2219 per-day basis. In the case of monthly or other long-term average discharge limits, fines
 2220 shall be assessed for each day during the period of violation.

2221
 2222 B. Unpaid charges, fines, and penalties shall, after [_____] (_____) calendar days, be
 2223 assessed an additional penalty of [_____] percent (____%) of the unpaid balance, and
 2224 interest shall accrue thereafter at a rate of [_____] percent (____%) per month. A lien
 2225 against the User's property shall be sought for unpaid charges, fines, and penalties.

2226
 2227 C. Users desiring to dispute such fines must file a written request for [the
 2228 Superintendent] to reconsider the fine along with full payment of the fine amount within
 2229 [_____] (_____) days of being notified of the fine. Where a request has merit, [the
 2230 Superintendent] may convene a hearing on the matter. In the event the User's appeal is
 2231 successful, the payment, together with any interest accruing thereto, shall be returned to
 2232 the User. [The Superintendent] may add the costs of preparing administrative
 2233 enforcement actions, such as notices and orders, to the fine.

2234

2235 D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for,
2236 taking any other action against the User.

2237
2238 10.7 Emergency Suspensions

2239 [The Superintendent] may immediately suspend a User's discharge, after informal notice to the
2240 User, whenever such suspension is necessary to stop an actual or threatened discharge, which
2241 reasonably appears to present, or cause an imminent or substantial endangerment to the health or
2242 welfare of persons. [The Superintendent] may also immediately suspend a User's discharge,
2243 after notice and opportunity to respond, that threatens to interfere with the operation of the
2244 POTW, or which presents, or may present, an endangerment to the environment.

2245
2246
2247 A. Any User notified of a suspension of its discharge shall immediately stop or eliminate
2248 its contribution. In the event of a User's failure to immediately comply voluntarily with
2249 the suspension order, [the Superintendent] may take such steps as deemed necessary,
2250 including immediate severance of the sewer connection, to prevent or minimize damage
2251 to the POTW, its receiving stream, or endangerment to any individuals. [The
2252 Superintendent] may allow the User to recommence its discharge when the User has
2253 demonstrated to the satisfaction of [the Superintendent] that the period of endangerment
2254 has passed, unless the termination proceedings in Section 10.8 of this ordinance are
2255 initiated against the User.

2256
2257 B. A User that is responsible, in whole or in part, for any discharge presenting imminent
2258 endangerment shall submit a detailed written statement, describing the causes of the
2259 harmful contribution and the measures taken to prevent any future occurrence, to [the
2260 Superintendent] prior to the date of any show cause or termination hearing under Sections
2261 10.3 or 10.8 of this ordinance.

2262
2263 Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency
2264 Suspension under this Section.

2265
2266 10.8 Termination of Discharge

2267
2268 In addition to the provisions in Section 5.6 of this ordinance, any User who violates the
2269 following conditions is subject to discharge termination:

2270
2271 A. Violation of individual wastewater discharge permit [or general permit {optional}]
2272 conditions;

2273
2274 B. Failure to accurately report the wastewater constituents and characteristics of its
2275 discharge;

2276
2277 C. Failure to report significant changes in operations or wastewater volume, constituents,
2278 and characteristics prior to discharge;

2279

2280 D. Refusal of reasonable access to the User’s premises for the purpose of inspection,
 2281 monitoring, or sampling; or
 2282

2283 E. Violation of the Pretreatment Standards in Section 2 of this ordinance.
 2284

2285 Such User will be notified of the proposed termination of its discharge and be offered an
 2286 opportunity to show cause under Section 10.3 of this ordinance why the proposed action should
 2287 not be taken. Exercise of this option by [the Superintendent] shall not be a bar to, or a
 2288 prerequisite for, taking any other action against the User.
 2289

2290 SECTION 11—JUDICIAL ENFORCEMENT REMEDIES
 2291

2292 11.1 Injunctive Relief
 2293

2294 When [the Superintendent] finds that a User has violated, or continues to violate, any provision
 2295 of this ordinance, an individual wastewater discharge permit, [or a general permit {**optional**}] or
 2296 order issued hereunder, or any other Pretreatment Standard or Requirement, [the Superintendent]
 2297 may petition the [insert name of appropriate Court] through [the City’s] Attorney for the issuance
 2298 of a temporary or permanent injunction, as appropriate, which restrains or compels the specific
 2299 performance of the individual wastewater discharge permit, [the general permit, {**optional**}] order,
 2300 or other requirement imposed by this ordinance on activities of the User. [The Superintendent]
 2301 may also seek such other action as is appropriate for legal and/or equitable relief, including a
 2302 requirement for the User to conduct environmental remediation. A petition for injunctive relief
 2303 shall not be a bar against, or a prerequisite for, taking any other action against a User.
 2304

2305 11.2 Civil Penalties
 2306

2307 **[Note: The municipality must have the minimum authority to seek civil or criminal penalties in the amount of**
 2308 **at least \$1,000 per day per violation.]**
 2309

2310 A. A User who has violated, or continues to violate, any provision of this ordinance, an
 2311 individual wastewater discharge permit, [or a general permit {**optional**}] or order issued
 2312 hereunder, or any other Pretreatment Standard or Requirement shall be liable to [the City]
 2313 for a maximum civil penalty of [insert maximum allowed under State law but not less
 2314 than \$1,000] per violation, per day. In the case of a monthly or other long-term average
 2315 discharge limit, penalties shall accrue for each day during the period of the violation.
 2316

2317 B. [The Superintendent] may recover reasonable attorneys’ fees, court costs, and other
 2318 expenses associated with enforcement activities, including sampling and monitoring
 2319 expenses, and the cost of any actual damages incurred by [the City].
 2320

2321 C. In determining the amount of civil liability, the Court shall take into account all
 2322 relevant circumstances, including, but not limited to, the extent of harm caused by the
 2323 violation, the magnitude and duration of the violation, any economic benefit gained
 2324 through the User’s violation, corrective actions by the User, the compliance history of the
 2325 User, and any other factor as justice requires.
 2326

2327 D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking
2328 any other action against a User.
2329

2330 11.3 Criminal Prosecution

2331
2332 **[Note: To the extent State law authorizes a municipality to prosecute violations of local ordinances as a crime**
2333 **under State law, the municipality should include the following provision in its local ordinance.]**
2334

2335 A. A User who willfully or negligently violates any provision of this ordinance, an
2336 individual wastewater discharge permit, [or a general permit {optional}] or order issued
2337 hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, be
2338 guilty of a misdemeanor, punishable by a fine of not more than [insert maximum fine
2339 allowed under State law] per violation, per day, or imprisonment for not more than
2340 [_____ (____)] years, or both.
2341

2342 B. A User who willfully or negligently introduces any substance into the POTW which
2343 causes personal injury or property damage shall, upon conviction, be guilty of a
2344 [misdemeanor] and be subject to a penalty of at least [insert maximum fine allowable
2345 under State law], or be subject to imprisonment for not more than [_____ (____)] years,
2346 or both. This penalty shall be in addition to any other cause of action for personal injury
2347 or property damage available under State law.
2348

2349 C. A User who knowingly makes any false statements, representations, or certifications
2350 in any application, record, report, plan, or other documentation filed, or required to be
2351 maintained, pursuant to this ordinance, individual wastewater discharge permit, [or
2352 general permit {optional}] or order issued hereunder, or who falsifies, tampers with, or
2353 knowingly renders inaccurate any monitoring device or method required under this
2354 ordinance shall, upon conviction, be punished by a fine of not more than [insert
2355 maximum fine allowable under State law] per violation, per day, or imprisonment for not
2356 more than [_____ (____)] years, or both.
2357

2358 D. In the event of a second conviction, a User shall be punished by a fine of not more
2359 than [insert maximum fine allowable under State law] per violation, per day, or
2360 imprisonment for not more than [_____ (____)] years, or both.
2361

2362 11.4 Remedies Nonexclusive

2363
2364 The remedies provided for in this ordinance are not exclusive. [The Superintendent] may take
2365 any, all, or any combination of these actions against a noncompliant User. Enforcement of
2366 pretreatment violations will generally be in accordance with [the City's] enforcement response
2367 plan. However, [the Superintendent] may take other action against any User when the
2368 circumstances warrant. Further, [the Superintendent] is empowered to take more than one
2369 enforcement action against any noncompliant User.
2370

2371 SECTION 12—SUPPLEMENTAL ENFORCEMENT ACTION

2372

2373 12.1 Penalties for Late Reports {Optional}

2374

2375 A penalty of \$[xx] shall be assessed to any User for each day that a report required by this
2376 ordinance, a permit or order issued hereunder is late, beginning five days after the date the report
2377 is due [higher penalties may also be assessed where reports are more than 30-45 days late].
2378 Actions taken by [the Superintendent] to collect late reporting penalties shall not limit [the
2379 Superintendent's] authority to initiate other enforcement actions that may include penalties for
2380 late reporting violations.

2381

2382 12.2 Performance Bonds {Optional}

2383

2384 [The Superintendent] may decline to issue or reissue an individual wastewater discharge permit
2385 [or a general permit {optional}] to any User who has failed to comply with any provision of this
2386 ordinance, a previous individual wastewater discharge permit, [or a previous general permit
2387 {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, unless
2388 such User first files a satisfactory bond, payable to [the City], in a sum not to exceed a value
2389 determined by [the Superintendent] to be necessary to achieve consistent compliance.

2390

2391 12.3 Liability Insurance {Optional}

2392

2393 [The Superintendent] may decline to issue or reissue an individual wastewater discharge [or a
2394 general permit {optional}] to any User who has failed to comply with any provision of this
2395 ordinance, a previous individual wastewater discharge permit, [or a previous general permit
2396 {optional}] or order issued hereunder, or any other Pretreatment Standard or Requirement, unless
2397 the User first submits proof that it has obtained financial assurances sufficient to restore or repair
2398 damage to the POTW caused by its discharge.

2399

2400 12.4 Payment of Outstanding Fees and Penalties {Optional}

2401

2402 [The Superintendent] may decline to issue or reissue an individual wastewater discharge permit
2403 [or a general permit {optional}] to any User who has failed to pay any outstanding fees, fines or
2404 penalties incurred as a result of any provision of this ordinance, a previous individual wastewater
2405 discharge permit, [or a previous general permit {optional}] or order issued hereunder.

2406

2407 12.5 Water Supply Severance {Optional}

2408

2409 Whenever a User has violated or continues to violate any provision of this ordinance, an
2410 individual wastewater discharge permit, [a general permit, {optional}] or order issued hereunder,
2411 or any other Pretreatment Standard or Requirement, water service to the User may be severed.
2412 Service will recommence, at the User's expense, only after the User has satisfactorily
2413 demonstrated its ability to comply.

2414

2415 12.6 Public Nuisances {Optional}

2416
2417 A violation of any provision of this ordinance, an individual wastewater discharge permit, [a
2418 general permit, {optional}] or order issued hereunder, or any other Pretreatment Standard or
2419 Requirement is hereby declared a public nuisance and shall be corrected or abated as directed by
2420 [the Superintendent]. Any person(s) creating a public nuisance shall be subject to the provisions
2421 of [the City Code] [insert proper citation] governing such nuisances, including reimbursing [the
2422 City] for any costs incurred in removing, abating, or remedying said nuisance.

2423
2424 12.7 Informant Rewards {Optional}

2425
2426 [The Superintendent] may pay up to [_____ dollars (\$____)] for information leading to the
2427 discovery of noncompliance by a User. In the event that the information provided results in a
2428 civil penalty [or an administrative fine] levied against the User, [the Superintendent] may
2429 disperse up to [_____ percent (____%)] of the collected fine or penalty to the informant.
2430 However, a single reward payment may not exceed [_____ dollars (\$____)].

2431
2432 12.8 Contractor Listing {Optional}

2433
2434 Users which have not achieved compliance with applicable Pretreatment Standards and
2435 Requirements are not eligible to receive a contractual award for the sale of goods or services to
2436 [the City]. Existing contracts for the sale of goods or services to [the City] held by a User found
2437 to be in Significant Noncompliance with Pretreatment Standards or Requirements may be
2438 terminated at the discretion of [the Superintendent].

2439
2440 SECTION 13—AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

2441
2442 [Note: Although Federal law allows the affirmative defenses set out in this Section, some Approved States do
2443 not allow for one or more of the affirmative defenses listed below.]

2444
2445 13.1 Upset

2446
2447 A. For the purposes of this Section, upset means an exceptional incident in which there is
2448 unintentional and temporary noncompliance with categorical Pretreatment Standards
2449 because of factors beyond the reasonable control of the User. An upset does not include
2450 noncompliance to the extent caused by operational error, improperly designed treatment
2451 facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or
2452 improper operation.

2453
2454 B. An upset shall constitute an affirmative defense to an action brought for
2455 noncompliance with categorical Pretreatment Standards if the requirements of paragraph
2456 (C), below, are met.

2457
2458 C. A User who wishes to establish the affirmative defense of upset shall demonstrate,
2459 through properly signed, contemporaneous operating logs, or other relevant evidence
2460 that:

2461

- 2462 (1) An upset occurred and the User can identify the cause(s) of the upset;
2463
2464 (2) The facility was at the time being operated in a prudent and workman-like
2465 manner and in compliance with applicable operation and maintenance procedures;
2466 and
2467
2468 (3) The User has submitted the following information to [the Superintendent]
2469 within twenty-four (24) hours of becoming aware of the upset [if this information
2470 is provided orally, a written submission must be provided within five (5) days]:
2471
2472 (a) A description of the indirect discharge and cause of noncompliance;
2473
2474 (b) The period of noncompliance, including exact dates and times or, if not
2475 corrected, the anticipated time the noncompliance is expected to continue; and
2476
2477 (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence
2478 of the noncompliance.
2479
2480 D. In any enforcement proceeding, the User seeking to establish the occurrence of an
2481 upset shall have the burden of proof.
2482
2483 E. Users shall have the opportunity for a judicial determination on any claim of upset
2484 only in an enforcement action brought for noncompliance with categorical Pretreatment
2485 Standards.
2486
2487 F. Users shall control production of all discharges to the extent necessary to maintain
2488 compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its
2489 treatment facility until the facility is restored or an alternative method of treatment is
2490 provided. This requirement applies in the situation where, among other things, the
2491 primary source of power of the treatment facility is reduced, lost, or fails.
2492

2493 13.2 Prohibited Discharge Standards

2494

2495 A User shall have an affirmative defense to an enforcement action brought against it for
2496 noncompliance with the general prohibitions in Section 2.1(A) of this ordinance or the specific
2497 prohibitions in Sections 2.1(B)(3) through [()] of this ordinance if it can prove that it did not
2498 know, or have reason to know, that its discharge, alone or in conjunction with discharges from
2499 other sources, would cause Pass Through or Interference and that either:

- 2500
2501 A. A Local Limit exists for each pollutant discharged and the User was in compliance
2502 with each limit directly prior to, and during, the Pass Through or Interference; or
2503
2504 B. No Local Limit exists, but the discharge did not change substantially in nature or
2505 constituents from the User's prior discharge when [the City] was regularly in compliance
2506 with its NPDES permit, and in the case of Interference, was in compliance with
2507 applicable sludge use or disposal requirements.

2508
2509 [Note: The references in Section 13.2 should refer only to specific prohibitions actually listed in the
2510 ordinance. Also note that, pursuant to 40 CFR 403.5(a)(2), the affirmative defense outlined in Section 13.2
2511 cannot apply to the specific prohibitions in Sections 2.1B(1) and (2), and (8).]
2512

2513 13.3 Bypass

2514
2515 A. For the purposes of this Section,

2516
2517 (1) Bypass means the intentional diversion of wastestreams from any portion of a
2518 User's treatment facility.

2519
2520 (2) Severe property damage means substantial physical damage to property,
2521 damage to the treatment facilities which causes them to become inoperable, or
2522 substantial and permanent loss of natural resources which can reasonably be
2523 expected to occur in the absence of a bypass. Severe property damage does not
2524 mean economic loss caused by delays in production.
2525

2526 B. A User may allow any bypass to occur which does not cause Pretreatment Standards
2527 or Requirements to be violated, but only if it also is for essential maintenance to assure
2528 efficient operation. These bypasses are not subject to the provision of paragraphs (C) and
2529 (D) of this Section.

2530
2531 C. Bypass Notifications

2532
2533 (1) If a User knows in advance of the need for a bypass, it shall submit prior
2534 notice to [the Superintendent], at least ten (10) days before the date of the bypass,
2535 if possible.
2536

2537 (2) A User shall submit oral notice to [the Superintendent] of an unanticipated
2538 bypass that exceeds applicable Pretreatment Standards within twenty-four (24)
2539 hours from the time it becomes aware of the bypass. A written submission shall
2540 also be provided within five (5) days of the time the User becomes aware of the
2541 bypass. The written submission shall contain a description of the bypass and its
2542 cause; the duration of the bypass, including exact dates and times, and, if the
2543 bypass has not been corrected, the anticipated time it is expected to continue; and
2544 steps taken or planned to reduce, eliminate, and prevent reoccurrence of the
2545 bypass. [The Superintendent] may waive the written report on a case-by-case
2546 basis if the oral report has been received within twenty-four (24) hours.
2547

2548 D. Bypass

2549
2550 (1) Bypass is prohibited, and [the Superintendent] may take an enforcement action
2551 against a User for a bypass, unless

2552
2553 (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe
2554 property damage;

- (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
 - (c) The User submitted notices as required under paragraph (C) of this section.
- (2) [The Superintendent] may approve an anticipated bypass, after considering its adverse effects, if [the Superintendent] determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

SECTION 14—WASTEWATER TREATMENT RATES - [RESERVED]

SECTION 15—MISCELLANEOUS PROVISIONS {Optional}

15.1 Pretreatment Charges and Fees {Optional}

[The City] may adopt reasonable fees for reimbursement of costs of setting up and operating [the City's] Pretreatment Program, which may include:

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals;
- E. Fees to recover administrative and legal costs (not included in Section 15.1 B) associated with the enforcement activity taken by the [Superintendent] to address IU noncompliance; and
- F. Other fees as [the City] may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this ordinance and are separate from all other fees, fines, and penalties chargeable by [the City].

15.2 Severability {Optional}

If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

2599 SECTION 16—EFFECTIVE DATE

2600

2601 This ordinance shall be in full force and effect immediately following its passage, approval, and
2602 publication, as provided by law.

2603