

## Chapter 2 Sewer Use Ordinance Guidance

### Section A. Quick Reference Info

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1. Definition - Sewer Use Ordinance for the local governing body.
2. Chapter Acronyms
  - SIU - Significant Industrial User
  - SUO - Sewer Use Ordinance
3. Purpose

To develop, and enact a Sewer Use Ordinance that provides the local government the legal authority to implement the pretreatment program and protects the POTW, POTW workers, the public, the surface waters of the State and sludge.
4. Regulatory References
  - 40 CFR 403 (specific cites for individual sections of SUO are noted in the Appendix 2-B. the SUO checklist)
  - 15A NCAC 2H .0900
  - 40 CFR 136
  - 15A NCAC 2H .0907(b)(1)
5. DEM Requirement
  - SUO modifications in accordance with current Division models.
  - Modifications verified using SUO checklist.
  - All SUO modifications submitted to the Division for approval. These submissions will include an entire copy of the SUO, the attorney's statement and a fully completed SUO checklist.
6. Implementation Frequency
  - Submission of your local SUO, the attorney's statement and the SUO checklist for Division approval by January 19, 1994 unless otherwise specified in an order, and upon subsequent notification from the Division as major Federal or State rules modifications are made..
  - Continuous implementation after Division approval and local government adoption.
7. Appendices
  - Appendix 2-A, NC Model SUO, January 1993
  - Appendix 2-B, SUO Review Checklist, December 11, 1993
  - Appendix 2-C, SUO letter to municipalities, January 19, 1993
  - Appendix 2-D, Construction Grants & Loans SUO Review Checklist
  - Appendix 2-E, Attorney's Statement Example

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### Section B. Discussion

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The NC Model Sewer Use Ordinance (SUO), see Appendix 2-A, was prepared by the Pretreatment Unit of the Water Quality Section of the Division of Environmental Management with assistance from the Environmental Section of the Attorney General's Office. It is intended for use by local governments in North Carolina required to develop and implement pretreatment programs.

The NC Model SUO includes many of the updates made to the EPA Model Pretreatment Ordinance published in June 1992. Where necessary, sections of the EPA model included in the NC Model SUO were tailored to reflect the North Carolina General Statutes and Administrative Code.

**A municipality should not adopt the model verbatim.** Instead, the model should be used as a guide for adopting new or revised legal authority to implement and enforce a pretreatment program that fulfills requirements set out in the Code of Federal Regulations (CFR) and the North Carolina Administrative Code. The municipality must consider conditions at its POTW to determine what adjustments may need to be made to the model. Many provisions in the model contain blanks or brackets; these indicate that the provision must be adapted to the POTW's circumstances. Also, bracketed notes in bold print are provided for certain provisions, explaining issues the municipality must consider when crafting its legal authority.

Some provisions in the model are not strictly required by the General Pretreatment Regulations (40 CFR Part 403); however, they have been included because they may be useful in ensuring that the municipality has adequate legal authority to implement effectively its local pretreatment program. These provisions are designated as optional. Where a municipality either must adopt a provision similar to the one in the model or develop its own means of accomplishing that section's objective, the section is preceded by a bracketed note explaining the municipality's options. Other provisions, such as the model's statement of purpose and effective date, are "necessary" only to the extent that they are typical of any local ordinance.

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### Section C. Local Limits Alternative

North Carolina's Model Sewer Use Ordinance Section 2.3 Local Limits recommends that specific limits be given for pollutants of concern. With consideration of the difficulty in determining a specific limit for all Users of the POTW, the Division has developed an alternative that requires that the User submit an Industrial Waste Survey if it discharges in excess of "typical domestic" concentrations. From the Industrial Waste Survey the POTW would determine if the User discharges require SIU or Local Industrial User permit issuance.

The Local Limits alternative can be worded as follows:

#### 2.3 Industrial Waste Survey and Local Limits

An industrial waste survey is required prior to a User discharging wastewater containing in excess of the following [instantaneous maximum allowable discharge limits or daily average discharge limits. The limit duration should be defined in Section 1.2 Definitions and Abbreviations]:

**[Note: The following are typical domestic levels for the parameters recommended or required by EPA for local limits development. DEM recommends that the municipality substitute values for these parameters, and add pollutants of concern and their corresponding values, based upon its industrial waste survey and headworks analysis.]**

[250]	mg/l	BOD
[250]	mg/l	TSS
[40]	mg/l	TKN
[0.003]	mg/l	arsenic
[0.003]	mg/l	cadmium
[0.061]	mg/l	copper
[0.041]	mg/l	cyanide
[0.049]	mg/l	lead
[0.0003]	mg/l	mercury
[0.021]	mg/l	nickel
[0.005]	mg/l	silver
[0.05]	mg/l	total chromium
[0.175]	mg/l	zinc

Industrial Waste Survey information will be used to develop user-specific local limits when necessary to ensure that the POTW's maximum allowable headworks loading is not exceeded for particular pollutants of concern. User-specific local limits for appropriate pollutants of concern shall be included in wastewater permits. The **POTW Director/Superintendent** may impose mass limits in addition to, or in place of, concentration-based limits .

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### Section D. DEM Construction Grants & Loans SUO Requirements

In addition to the NCDEM pretreatment section SUO requirements, the NCDEM Construction Grants and Loans Section has specific SUO requirements. These requirements are summarized in Appendix 2-D, the Construction Grants & Loans "Sewer Use Ordinance Checklist Review". The SUO requirements of the two NCDEM sections are not identical, primarily because the focus of the sections are different. Pretreatment POTW's requesting funds from the Construction Grants and Loans Section will have to develop an SUO that meets the requirements of both the Pretreatment Section and the Construction Grants & Loans Section.

Fortunately, many of the Construction Grants & Loans Section SUO requirements are covered in the Pretreatment SUO requirements and models; however, there are several required clauses that must be added to the pretreatment SUO for it to meet Construction Grants & Loans Requirements. From the checklist (Appendix 2-D), the clauses that must be added are as follows:

3. REGULATIONS REQUIRING THE USE OF PUBLIC SEWERS,
4. REGULATIONS CONCERNING PRIVATE SEWAGE DISPOSAL,
5. REGULATIONS CONCERNING THE BUILDING OF SEWERS AND CONNECTIONS,
- 6.A. STORMWATER IN SANITARY SEWER PROHIBITION,
- 6.B. SANITARY WASTEWATER IN STORM SEWER PROHIBITION,
- 6.C. GRINDER USE LIMITS,
- 6.G. UNCONTAMINATED COOLING WATER IN STORM SEWER,
- 9.A. SERVICE TO ADJACENT UNINCORPORATED AREAS,
- 9.B. MALICIOUS DAMAGE CLAUSE, AND
- 9.C. REQUIRED COST RECOVERY FROM INDUSTRIAL USERS.

For more information concerning Construction Grants & Loans Requirements please contact the Construction Grants & Loans Section of NCDEM at (919)733-7015.