1.1

Comment: *This includes all IUs discharging in the wastewater collection system owned by the Satellite POTW.* Is sufficient. Option 2. Some NC-PC members like listing of satellites idea.

Comment: Believe original wording is sufficient, likes idea of listing towns – would new satellites have to wait until SUO modified to start discharging?

Response:

Option 1 - retain old wording.

Option 2 – For receiving POTW add *This includes all IUs discharging in the wastewater collection system owned by the Satellite POTW.* [and can list satellites name if desired]. If POTW chooses to list the names of the satellite POTWs they may have to wait until the SUO is updated before the new customer can start discharging.

Option 3 –For satellite add *Users subject to this Ordinance are also subject to [Receiving POTW] Ordinance.*

1.2

Comment: Include a definition of Control Authority.

Response: (8) *Control Authority. Refers to the POTW organization if the POTW organization’s Pretreatment Program approval has not been withdrawn.*

1.2 (30) [now 1.2 (31)] Pretreatment Standard. Corrected to exactly match .0903 (b)(26)

1.2 (31) [now 1.2 (32] – POTW

Comment: Like this sentence at end of current definition: *For the purposes of this ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the [Town] who are, by contract or agreement with the [Town], or in any other way, users of the POTW of the [Town].*

Comment: wants both options.

Response: Made only first option available. Believe that the one option is sufficient and the second option only makes for confusion. A Control Authority can suggest other language if they so desire.

1.2 (34) (B) SIU

Comment: The options provided do not follow new .0900 definition.

Response: There are 4 options given for this part of the definition. The 3rd one is the new .0900 definition: *contributes process wastewater which makes up five percent or more of the NPDES or Non-discharge permitted flow limit or organic capacity of the POTW treatment plant. In this context, organic capacity refers to BOD, TSS, and Ammonia; or*

Also, re-ordered the options by how stringent they are (most to least) and pointed that out in the instruction box.

1.2 (34) (D) SIU

Comment: The definition seems to be missing something – sounds like the SIU is violating the POTW’s NPDES permit.

Response: Reworded to clarify that the SIU is “contributing” to POTW violations.

1.2 (34) (G) Middle Tier SIU

Comment: is Middle Tier SIU definition necessary to implement this definition?

Comment: would like definition of Mid Tier SIU included.

Response: Yes. 5.4 (a) specifies a reporting frequency of 1/6 months, so even though the rule says it’s okay to reduce sampling and inspection by half for mid-tier SIUs, not having the same statement in the SUO could be interpreted to mean that the POTW wants to be more stringent. Definition included.

1.2 (35) [was (34)] SNC

Comment: suggests removing *Reportable Noncompliance* from title of definition.

Response: *Reportable Noncompliance* has been removed from the new definition of SNC. For POTWs who wish to apply all 8 criteria to non-SIUs, it is suggested that the phrase *Reportable Noncompliance* be removed.

1.2(35) [was (34)] SNC

Comment: Correct (ii) – (v).

Response: Correction made.

2.1 Prohibited Discharge Standards (14)

Comment: Don’t specify a FOG concentration of100 mg/l.

Response: [XXX] has been inserted in place of [100] (*14) Fats, oils, or greases of animal or vegetable origin in concentrations greater than* ***[XXX]*** *mg/l unless authorized by the POTW Director.*

The instructions include the following: *The POTW should determine what value to insert that is appropriate and protective.*

4.2 Wastewater Permit

(b) The original question was regarding the wording of (3), which about the pollutant checklist in the application. It implied that analysis must be done.

Comment: liked the proposed change to *Types and concentrations (or mass) of pollutants contained in the discharge.*

One commenter pointed out that the list in the SUO does not match the actual questions in the application.

Response: There is a list of the minimum information required in a permit application in 02H 0.0916 (c) (1) (A-M). There is an option to include that list and to add to it, if desired.

*The application shall include at a minimum the information required by 15A NCAC 02H 0.0916 (c) (1) (A-M). In support of the application the user shall submit any other information deemed necessary by the POTW Director to evaluate the permit application. This may include reporting requirements under 40 CFR 403.12 (b) and Section 5.1 of this Ordinance.*

(f)(1) Commenters pointed out that the wording should be *forms or format* ***approved*** *by the Division* not ***provided***.

Response: correction made.

(i)(1)(H) Commenter believes should say *a statement of applicable civil* ***and/or*** *criminal penalties*

(i)(2)(B) Commenter believes should say *Limits on the instantaneous, daily* ***and/or*** *monthly average*

 Response: [**and/or]** included as an optional change.

5.8(b) Notice of Violation/Repeat Sampling

Commenter asks where is it required for the POTW to resample if a POTW sampling event indicates a violation.

Response: 5.8 (b) does say *If the [POTW Director] does not require the user to perform any self-monitoring* so it is meant for those cases where the POTW samples in lieu of the SIU. This comes from 403.12(g) (2) *Where the control authority has performed the sampling and analysis in lieu of the IU, the CA must perform the repeat sampling and analysis unless it … requires IU to perform the repeat analysis*

Suggest a slight rewording: *If the [POTW Director]* ***has performed the sampling and analysis in lieu of the industrial user*** *and the POTW sampling of the user indicates a violation, the [POTW Director] shall repeat the sampling* to make it clearer that this applies to circumstances where the POTW is sampling instead of SIU doing self monitoring.

5.10 Analytical Requirements

Comment: *preservation* does not need to be added – preservation techniques fall under 136.

Response: took out *preservation*

Comment: Loop hole in laboratory certification should not be closed. Each town should decide if and under what conditions to accept analytical results from SIU labs.

Response: Rewrote with option for POTW to approve other procedures by including the first two gray sentences and deleting last one or to not allow any non-certified laboratory analysis by deleting first two gray sentences and leaving the last.

*All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed by a laboratory certified by the state to perform the wastewater analyses in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard or unless otherwise performed in accordance with procedures approved by EPA or (TOWN). If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA and (TOWN). Analyses must be performed by a State certified lab for each parameter analyzed, if such certification exists for that parameter.*

5.15 Special Reporting Requirements for IUs in Satellite POTWs

Comment: In general, all seem to agree that it should not be required in the SUO that all IU reports from a Satellite IUs automatically go to the receiving POTW. Could us wording such as *upon request*, or make it an item to be addressed in the IJA. One commenter says it is not enforceable because the treatment plant POTW does not have authority over Satellite >>> so should be in IJA.

Response: 403.12 (j) Notice of Changed Discharge says that all IUs must notify CA and POTW, if POTW is not CA, in advance of any substantial change…

.0908 (h) says that all information required to IU’s CA shall also be submitted to treatment plant gov’t organization. It does not state a time frame or who must submit the information. I propose to delete 5.15. Having .0908 (h) will allow the Division to require that this issue be addressed in the IJA or other procedures.

6.1 Monitoring Facilities

Comment: Calibration requirements should be in the permit. If included only as an Optional change.

Response: Deleted new wording.

6.2 Inspection and Sampling

Comment: would like to add *The Town, approval authority and EPA shall have the right to collect samples of any pollutant and at any frequency deemed necessary to ascertain whether the purpose of this ordinance is being met and all requirements complied with.* Believes it is implicit, but would like it more explicit.

Response: *The* ***[Town]*** *will inspect the facilities of any user to ascertain whether the purpose of this ordinance is being met and all requirements are being complied with. …* *allow the* ***[Town]****, approval authority and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling,…* *shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring*

The current wording gives the authority for the sampling and inspection to be done at any reasonable time; it does not limit the number of times or the pollutants [i.e. does not say *permit limited parameters* or *POTW POCs].* Although, it is a good idea, without rewording the entire paragraph, it seems repetitive.

7 – Confidential Information

Comment: Should be optional change; old wording can still apply.

One commenter has more specific details on confidential information and does not plan to change it. [only question is what does 40 CFR 2.302 say in regards to effluent data and confidentiality?]

Response: I think the proposed new wording is much clearer and easier to follow, but I don’t see any contradiction between the old wording and the new wording (from .0913). Will present as optional change. I looked up 40 CFR 2.302, but it was so long that I didn’t take the time to read it in depth.

10 – Adjudicatory Hearings

Three options presented:

1. No local hearing – just advise of right to go to court.

2. One level of local gov’t hearing -

3. Two levels of local hearing

Comment: Attorney advices using some form of Version 2 – one level of local gov’t hearing

Comment: suggests stating the right to appeal via local gov’t hearing process w/in 30 days or else final and binding. Then local gov’t procedures are written as a policy outside the SUO. Retains conditions regarding the permit under appeal [new permit, renewed permit, terminated permit].

Comment: Each POTW should use their current adjudicatory procedures as long as it meets statutory requirements.

Comment: Legal department is reviewing and will recommend what option Wilson should use.

Comment: Each town should review and decide what is best for them.

Response: I have requested a legal opinion from DENR’s general consul. At this time I have not heard back from her. A fourth option has been included for one level of local gov’t hearing, but only referring to local hearing procedures as suggested by the second comment. I will advise POTWs to consult with their own attorneys, but will hopefully have an answer before most people get that far.