

Industrial Pretreatment

Sewer Use Ordinance Overview

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EPA Model Sewer Use Ordinance

Municipalities operating Publicly Owned Treatment Works (POTWs) that are required to develop pretreatment programs to regulate industrial discharges must have the ability to implement and enforce their pretreatment program.

It must fulfill the requirements set out in the *Code of Federal Regulations* (CFR).

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When drafting/revising an ordinance, the municipality must consider conditions at its POTW as well as State law to determine the objectives and provisions are authorized under State law.

Municipalities with POTWs that are not *required* to implement a pretreatment program should consider drafting local ordinances to control nondomestic dischargers within their jurisdictions.

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## 1. General Provisions

- 1.1 Purpose and Policy
- 1.2 Administration
- 1.3 Abbreviations
- 1.4 Definitions

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## 2. General Sewer Use Requirements

- 2.1 Prohibited Discharge Standards
- 2.2 National Categorical Pretreatment Standards
- 2.3 State Pretreatment Standards
- 2.4 Local Limits
- 2.5 [City's] Right of Revision
- 2.6 Dilution

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## 3. Pretreatment of Wastewater

- 3.1 Pretreatment Facilities
- 3.2 Additional Pretreatment Measures
- 3.3 Accidental Discharge/Slug Discharge Control Plans
- 3.4 Hauled Wastewater

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### 4. Wastewater Discharge Permits

- 4.1 Wastewater Analysis
- 4.2 Individual Wastewater Discharge Permit Requirement\*
- 4.3 Individual Wastewater Discharge Permitting: Existing Connections\*
- 4.4 Individual Wastewater Discharge: New Connections\*
- 4.5 Individual Wastewater Discharge Permit Application Contents\*
- 4.6 Wastewater Discharge Permitting: General Permits
- 4.7 Application Signatories and Certifications
- 4.8 Individual Wastewater Discharge Permit Decision\*

\*Applies to General Permits

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### 5. Individual Discharge Permit Issuance

- 5.1 Individual Wastewater Discharge Permit Duration\*
- 5.2 Individual Wastewater Discharge Permit Contents\*
- 5.3 Permit Issuance Process
- 5.4 Permit Modification
- 5.5 Individual Wastewater Discharge Permit Transfer\*
- 5.6 Individual Wastewater Discharge Permit Revocation\*
- 5.7 Individual Wastewater Discharge Permit Reissuance\*
- 5.8 Regulation of Waste Received from Other Jurisdictions

\*Applies to General Permits

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### 6. Reporting Requirements

- 6.1 Baseline Monitoring Reports
- 6.2 Compliance Schedule Progress Reports
- 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline
- 6.4 Periodic Compliance Reports
- 6.5 Reports of Changed Conditions
- 6.6 Reports of Potential Problems
- 6.7 Reports from Unpermitted Users

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**6. Reporting Requirements**

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- 6.8 Notice of Violation/Repeat Sampling and Reporting
- 6.9 Notification of the Discharge of Hazardous Waste
- 6.10 Analytical Requirements
- 6.11 Sample Collection
- 6.12 Date of Receipt of Reports
- 6.13 Recordkeeping
- 6.14 Certification Statements

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**7. Compliance Monitoring**

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7.1 Right of Entry: Inspection and Sampling

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**8. Confidential Information**

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Information about User shall be available to the public without restriction, unless;

Release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law.

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### 9. Publication of Users in SNC

The POTW shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by [the POTW], a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements.

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### 10. Administrative Enforcement Remedies

- 10.1 Notification of Violation
- 10.2 Consent Orders
- 10.3 Show Cause Hearing
- 10.4 Compliance Orders
- 10.5 Cease and Desist Orders
- 10.6 Administrative Fines
- 10.7 Emergency Suspensions
- 10.8 Termination of Discharge

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### 11. Judicial Enforcement Remedies

- 11.1 Injunctive Relief
- 11.2 Civil Penalties
- 11.3 Criminal Prosecution
- 11.4 Remedies Nonexclusive

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**12. Supplemental Enforcement Action\***

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- 12.1 Penalties for Late Reports
- 12.2 Performance Bonds
- 12.3 Liability Insurance
- 12.4 Payment of Outstanding Fees and Penalties
- 12.5 Water Supply Severance
- 12.6 Public Nuisances
- 12.7 Informant Rewards
- 12.8 Contractor Listing

\*Optional requirements

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**13. Affirmative Defenses To Violations**

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- 13.1 Upset
- 13.2 Prohibited Discharge Standards
- 13.3 Bypass

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**14. Wastewater Treatment Rates**

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Allows municipality to establish rates in the sewer use ordinance.

Consider placement of fee schedules or structure in an appendix to the ordinance.

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**15. Miscellaneous Provisions**

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15.1 Pretreatment Charges and Fees  
15.2 Severability

\*Optional requirements

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**16. Effective Date**

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

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**Questions?**

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Contact Information:

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