

North Carolina Pretreatment Consortium, Inc.

June 6, 2011

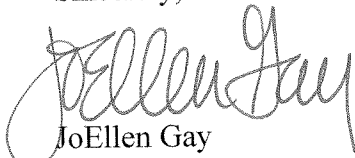
Ms. Deborah Gore
PERCS Unit Supervisor
NCDENR/DWQ/PERCS Unit
1617 Mail Service Center
Raleigh, NC 27699-1617

ELECTRONIC MAIL SUBMITTAL

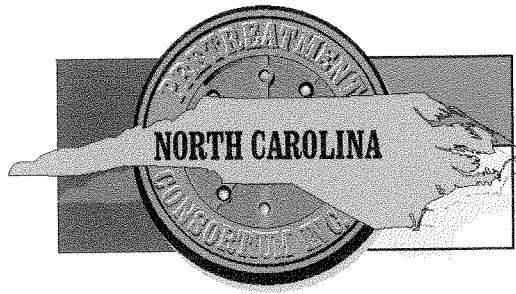
Dear Ms. Gore:

Please find attached initial comments to the State's preliminary draft Model Sewer Use Ordinance. The NC-PC appreciates the extension for comment deadline in order for us to have a thorough review of the optional and required language to be incorporated to our local ordinances.

Sincerely,


JoEllen Gay
2011 NC-PC Chairman

cc: NC-PC Executive Committee
NC-PC Membership
Joe Pearce, NC WQA Pretreatment Liaison



North Carolina Pretreatment Consortium, Inc.

North Carolina Pretreatment Consortium Comments- Preliminary Draft State Model Sewer Use Ordinance

The following are comments on the Optional and/or Required language modifications or additions for which DWQ has requested comments. The areas for which DWQ did not specifically ask for comments, the NC-PC did not address in this submittal. The NC-PC, did however, address areas of either typographical errors, or other areas of concern for which DWQ did not specifically ask for comment.

Section 1.1- Purpose and Policy- Inter-jurisdictional Agreements *Optional and/or Required*

While some members agree with Option 2) listing of towns specifically, most agree with the sentence, “*This includes all industrial users discharging in the wastewater collection system owned by the [Satellite POTW].*” suffices.

Section 1.2- Definitions and Abbreviations- Control Authority definition

A definition of Control Authority should be included as it is used in several areas of the ordinance. This is important in cases of receiving and satellite POTWs.

Section 1.2- Definitions and Abbreviations (31) POTW definition *Optional Language*

The original definition (32) with the inclusion of the last black underlined bold sentence is the preferred definition and suffices for those with multiple POTW organizations.

Section 1.2 - Definitions and Abbreviations (33) (G?)

A definition of a Middle Tier CIU is not included in the draft. Our members would like to take advantage of this new “category” and therefore would like to have it included in the draft. Please address if the omission was merely and oversight.

Section 1.2- Definitions and Abbreviations (34) (ii)-(v)

Please note to correct these to the appropriate letter in order to maintain continuity of formatting.

Section 2.1- Prohibited Discharge Standards (14)

We caution the use of [*one hundred (100) mg/L*] specifically and would rather DWQ use [xxx mg/L] such that the town would note to employ a limit that they feel is adequate.

Section 4.2- Wastewater Permits (3)

Required Language

The preferred language is to include the “*Types and Concentrations (or mass) of pollutants contained in the discharge...*” versus the original language.

Section 4.2- Wastewater Permits (f) (1)

Required Language

The current language reads, “...*on forms or in a format provided by the Division.*” We submit this language should read, “...*on forms or in a format approved by the Division.*”

Section 5.10- Analytical Requirements

Required Language

The inclusion of “*preservation*” does not need to be added as it is redundant. Preservation techniques fall under 40 CFR Part 136.

We do not feel the current “loophole” regarding field parameters and certification of such should be closed by the Lab Certification Rules. Each town should be allowed to address such issues within their own programs.

Section 5.15- Special Reporting Requirements for IUs in Satellite POTWs

Required Language

This section in particular, if required, should be written in broad strokes such that it is not specific. Those with Satellite POTWs would rather have this requirement specifically in their IJAs as they are best at determining how they wish to implement reporting requirements for their town.

Section 6.1- Monitoring Facilities
Optional Language

The inclusion of calibration of monitoring equipment should be in IUPs and not included in the town's Sewer Use Ordinance. If you choose to include this in the model, it should be included only as an OPTIONAL change.

Section 7- Confidential Information
Required or Optional Language

We feel this section should be presented as an OPTIONAL change such that towns are able to choose between the original or new language.

Section 10- Adjudicatory Hearings
Required Language

The NC-PC does not wish to comment as a whole on this section as it should be reviewed by each town's attorney, council, manager, director, etc. Some have questioned as to why we should have established procedures in the Sewer Use Ordinance as it limits the town's flexibility while others have leaned more to Option two if they must.

We will encourage each town to provide DWQ with their comment or alternate language to this section after their town's management and/or legal staff has reviewed the section and decided the best legal option for their town.