

**Sewer Use Ordinance No. 683
Penn Township, York County**

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PENN TOWNSHIP, YORK COUNTY

**SEWER SYSTEM USE
ORDINANCE NO. 683**

AN ORDINANCE OF PENN TOWNSHIP, YORK COUNTY, PENNSYLVANIA AMENDING, AND RESTATING CHAPTER 110 OF THE CODE OF ORDINANCES OF PENN TOWNSHIP RELATING TO SEWER, RULES AND REGULATIONS, DEFINING CERTAIN TERMS; REQUIRING CONNECTION TO THE SEWER SYSTEM AND PROVIDING AN APPLICATION PROCEDURE AND STANDARDS THEREFORE; IMPOSING CONNECTION AND TAPPING FEES; SETTING PRETREATMENT STANDARDS AND REQUIRING PERMITS AND REPORTS RELATED THERETO; PROHIBITING THE DISCHARGE OF CERTAIN POLLUTANTS INTO THE SEWER SYSTEM; AND PROVIDING AN ENFORCEMENT PROCEDURE IN ACCORDANCE WITH STATE AND FEDERAL LAWS AND REGULATIONS, INCLUDING THE CLEAN WATER ACT (33 U.S.C. 1251 *et seq.*) AND THE GENERAL PRETREATMENT REGULATIONS (40 CFR PART 403), AS AMENDED; IMPOSING PENALTIES FOR VIOLATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR THE REPEAL OF INCONSISTENT ORDINANCES; AND SETTING AN EFFECTIVE DATE.

Ordinance Amendments. The Penn Township, York County, Code of Ordinances is hereby amended as is more fully shown in the complete text of Chapter 110 thereof which is attached hereto and made part hereof by reference hereto as if fully set out at length herein.

Saving Clause. The provisions of the Penn Township, York County, Code of Ordinances, so far as they are the same as those ordinances and regulations in force immediately prior to the adoption of this ordinance, are intended as a continuation of such ordinances and regulations and not as a new enactment. The provisions of this ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any of the prior ordinances or regulations except as otherwise provided by law.

BE IT ENACTED AND ORDAINED by the Penn Township Board of Commissioners, York County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same, that the following are the Rules and Regulations for the use of the Sewer System in Penn Township, York County.

ARTICLE 1 GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the municipal wastewater collection and treatment system of Penn Township (Township), and enables the Township to comply with all applicable State and Federal laws required by the Clean Water Act and the General Pretreatment Regulations (40 CFR §403). The objectives of this ordinance are:

- λ To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or prevent the reuse or recycling of the resulting biosolids.
- λ To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the system.
- λ To protect both wastewater system personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
- λ To improve the opportunity to recycle and reuse wastewaters and sludges from the system.
- λ To provide for equitable distribution of the cost for the implementation of the Township's pretreatment program as well as for the operation, maintenance and improvement of the wastewater system.
- λ To enable the Township to comply with its NPDES permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject.

This ordinance provides for the regulation of contributions to the municipal wastewater system through the issuance of permits to certain nonresidential users and through enforcement of general requirements for other nonresidential users; authorizes monitoring, compliance and enforcement activities; requires user reporting; assumes that existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This ordinance shall apply to Penn Township, York County and to all persons within and outside the Township who are users of the POTW.

1.2 Administration

Except as otherwise provided herein, the Pretreatment Coordinator (PC) shall be the primary Township official vested with the authority to administer, implement, and enforce the provisions of this ordinance. Any powers granted to or duties imposed upon the PC may be delegated by the PC to other Township personnel. In addition, the Wastewater Plant Superintendent, the Township Manager, and all Wastewater Plant Operations Personnel are hereby vested with the authority to administer, implement, and enforce the provisions of this ordinance when needed.

1.3 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases as used in this ordinance shall have the meanings hereinafter designated:

- λ **Act or “the Act”**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (February 4, 1987), 33 U.S.C. 1251, et. seq.
- λ **Administrative Cost**. The cost incurred by the Township to perform clerical, managerial and maintenance work. The cost includes postage, hourly wages, returned check charges, and other miscellaneous costs that can occur from handling an account out of the normal billing cycle.
- λ **Approval Authority**. The regional administrator of the EPA.
- λ **Approved Pretreatment Program**. A program administered by the Township that meets the criteria established in §§ 403.8 and 403.9 and which has been approved by the Approval Authority in accordance with § 403.11.
- λ **Authorized Representative of the User**.
 1. If the user is a corporation:
 - (a) A responsible corporate officer at the level of president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 - (b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$50 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;
 2. If the user is a partnership or proprietorship: a general partner or proprietor, respectively;

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

The individuals described in 1 through 3 may designate another authorized representative if:

1. The authorization is made in writing by the individual described above;
 2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facilities from which the indirect discharge originates, such as the positions of plant or environmental manager, or a position of equivalent responsibility; and
 3. The written authorization is submitted to the Township.
- λ **Baseline Monitoring Report.** A report required in 40 CFR 403.12 to be submitted by all industrial users and waste generators subject to Categorical Pretreatment Standards.
- λ **Best Management Practices.** The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
- λ **Billing Cycle.** A billing cycle is considered to run in quarterly increments of every three (3) months during the quarter the following is performed: meter readings entered, bills calculated and proofed, bill printed, bills mailed, receive payment, record and credit payment. Delinquents, final and new accounts are not part of this cycle.
- λ **Biochemical Oxygen Demand (BOD5).** The quantity of oxygen consumed in the biochemical oxidation of organic matter under standard laboratory conditions in five (5) days at 20° C, expressed in terms of concentration (mg/L) and/or loading (lbs/d).
- λ **Biosolids.** The solid, semi-solid or liquid residue generated from the collection and treatment of municipal wastewater by a POTW. Sometimes referred to as sewage sludge.
- λ **Board.** The elected and appointed members of the Board of the Commissioners of Penn Township, as now or hereafter constituted, and its duly authorized agents or representatives.
- λ **Borough.** The Borough of Hanover, York County, PA.
- λ **Building Drain.** That part of the lowest horizontal piping of a drainage system which receives the discharge from waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, extending five feet (5') beyond the inner face of the building wall.

- λ **Building Sewer.** That part of the service connection from the building drain to the service lateral.
- λ **Bypass.** The intentional diversion of waste streams from any portion of an industrial user's treatment facility.
- λ **Categorical User.** An industrial user subject to the National Categorical Pretreatment Standards.
- λ **Chemical Oxygen Demand (COD).** The measure of oxygen equivalent to that portion of the organic and inorganic matter in a sample that is susceptible to oxidation by a strong chemical oxidant such as, but not limited to potassium dichromate.
- λ **Chlorine Demand.** The quantity of chlorine applied to a sample under laboratory procedure to achieve a chlorine residual of five-tenths (.05) mg/L after a contact time of thirty (30) minutes.
- λ **Commercial User, Establishment, or Account.** Any improved property used wholly or in part for the sale and distribution of any product, commodity, article or service.
- λ **Composite Sample.** The sample resulting from the combination of individual wastewater samples collected at selected intervals based on an increment of either time or flow that reasonably represent the discharge conditions at the time of collection.
- λ **Connection Fee.** The fee collected by the Township to cover the cost of the installation of the service connection from the sewer main to the property line or curb stop of the property, or the fee collected to inspect the construction.
- λ **Control Authority.** Penn Township.
- λ **Cooling Water.** The water discharged from water cooling systems, such as air conditioners, product cooling or refrigeration, which carries off excess heat.
- λ **Customer Facilities Fee.** The fee collected by the Township to cover the installation costs of the building sewer or to inspect the construction.
- λ **Daily Average.** The result of a 24 hour composite sample.
- λ **Domestic Sewage.** The waterborne waste derived from ordinary living processes.
- λ **Dwelling.** A building or structure designed for living quarters for one (1) or more families, including manufactured homes which are supported either by a foundation or are otherwise permanently attached to the land but not including hotels, boarding/rooming houses or other accommodations used for transient occupancy.

- λ **Dwelling Unit.** One or more rooms used for living and sleeping purposes and having a kitchen with fixed cooking facilities and toilet and bathroom facilities and arranged for occupancy by not more than one (1) family.
- λ **Environmental Protection Agency (EPA).** The U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for any Administrator or other duly authorized official of said agency.
- λ **Existing Source.** Any source of discharge, the construction or operation of which commenced prior to the publication of EPA of proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- λ **Garbage.** Animal and vegetable waste resulting from the handling, storage, sale, preparation, cooking and serving of foods. Also see solid waste.
- λ **Grab Sample.** A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes that reasonably represents the discharge conditions at the time of collection.
- λ **Holding Tank Waste.** Any wastewater from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- λ **House Drain.** That part of the main horizontal drain and its branches inside the walls of the building, vault or area and for five (5) feet outside thereof, and extending to and connecting with the house sewer.
- λ **Improved Property.** Any parcel, property or lot with a use, on-lot improvement or occupied building which generates, or is capable of generating wastewater.
- λ **Indirect Discharge.** The discharge or introduction of pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act (33 U.S.C. 1317), including holding tank waste discharged into the system.
- λ **Industrial Establishment.** Any improved property used in whole or in part for the manufacture, processing, conversion, or assembly of any product, commodity, or article.
- λ **Industrial User.** Any non-domestic source of indirect discharge to the POTW.
- λ **Industrial Waste.** Any solid, liquid, or gaseous substance discharged intentionally or otherwise from any industrial or commercial establishment, as distinct from sanitary wastewater.
- λ **Instantaneous Maximum Allowable Discharge Limit.** The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any

discrete or composited sample collected, independent of the industrial flow rate and of the duration of the sampling event.

- λ **Interference.** A discharge which, alone or in conjunction with a discharge or discharges from other sources, not only inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal, but also causes a violation of any requirement of the Township's NPDES Permit (including an increase in the magnitude or duration of a violation).

The term includes prevention of wastewater biosolids use or disposal by the Township in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solids Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV (Subtitle D) of SWDA applicable to the method of disposal or use employed by the Township.

- λ **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.

- λ **mg/L.** milligrams per liter.

- λ **National Pollutant Discharge Elimination System (NPDES) Permit.** A permit for the discharge of wastewaters to waters of the U.S., issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

- λ **National Pretreatment Standards: Categorical Standards.** Any regulation specifying quantities or concentrations of pollutants or pollutant properties which may be discharged to a POTW by existing or new industrial users in specific industrial categories which appear as separate regulation in 40 CFR Chapter I, Subchapter N, § 405-471.

- λ **National Pretreatment Standards: Prohibited Discharges.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317), which applies to Industrial users. This term includes absolute prohibitions against the discharge of certain substances established pursuant to § 403.5.

- λ **New Source.**

1. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which began after the publication of proposed pretreatment standards under Section 307 (c) of the Act which 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 modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
3. Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin as part of a continuous on-site construction program:
 - (i) Any placement, assembly, or installation of facilities or equipment; or
 - (ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- λ **Noncontact Cooling Water.** Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- λ **Occupied Building.** Each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within one hundred fifty (150) feet of the sewer system and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage is or may be discharged.

- λ **Pass Through.** A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Township's NPDES permit, including an increase in the magnitude or duration of a violation.
- λ **Person.** A person shall mean and include one or more individuals, partnerships, associations, organizations, corporations, legal representatives, trustees in bankruptcy or receivers.
- λ **pH.** A measure of the degree of acidity or alkalinity of a solution, expressed in standard units. Specifically, pH is the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
- λ **Plant Superintendent.** The Township official authorized to manage the operations and maintenance of the POTW.
- λ **Pollutant.** Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, wastewater biosolids and sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural wastes; and certain characteristics of wastewater (e.g., BOD5, COD, color, odor, pH, temperature, TSS, toxicity, or turbidity).
- λ **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- λ **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants or pollutant properties in wastewater to a less harmful state prior to, or in lieu of, introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except as prohibited by 40 CFR § 403.6 (d) *Dilution Prohibited as Substitute for Treatment*.
- λ **Pretreatment Coordinator.** The person(s) designated by the Board of Commissioners as having authority to administer, implement and enforce the pretreatment program.
- λ **Pretreatment Program.** A program administered by the Pretreatment Coordinator that regulates existing and new sources of pollution and meets the criteria established in 40 CFR §§ 403.8 and 403.9, and which has been approved by the Approval Authority in accordance with 40 CFR § 403.11.
- λ **Pretreatment Requirement.** Any substantive or procedural requirement related to pretreatment, other than a National pretreatment standard, applicable to a user.
- λ **Pretreatment Standards.** National prohibited discharge standards, National Categorical Pretreatment Standards and local limits.

- λ **Publicly Owned Treatment Works (POTW).** A treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which, in this instance, is owned and operated by the Township. This definition includes any devices or systems used in the collection, storage, transportation, treatment, recycling, and reclamation of municipal wastewater or industrial wastes of a liquid nature. It also includes pipes, sewers, pumping stations and other conveyances which convey wastewater to the Township treatment plant even though those sewers may not have been constructed by the Township, or are not located within the Township boundaries or are not owned or maintained by the Township. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the treatment facility.
- λ **Regional Administrator.** The appropriate official at EPA.
- λ **Representative of the Township.** The Manager of the Township, Township Engineer, Plumbing Inspector or such other person as shall be appointed by the Township as its representative for any of the purposes herein.
- λ **Residential Account.** A service account based on a dwelling or dwelling unit for residential purposes.
- λ **Sanitary Sewer.** A sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.
- λ **Sanitary Wastewater.** The wastewater generated in residential kitchens, bathrooms and laundries (human waste and gray water); and from toilet facilities in commercial and industrial establishments.
- λ **Service Account.** An account located in Penn Township having sanitary sewer service. This service account is subject to all rules and regulations as governed within this chapter.
- λ **Service Agreement.** The agreement dated January 29, 1964, between the Township, the Authority, the Borough and Hanover Borough, York County, under which the Borough agrees, in consideration of the payment by the Township of the amounts stated therein, to treat sanitary sewage and industrial waste originating in certain areas of the Township and discharged directly or indirectly into sewers operated by the Borough.
- λ **Service Area.** The Township's service area includes the area incorporated as Penn Township, the area included within the Service Agreements with adjacent municipalities, and the area described in the Flow Exchange Agreement with the Borough of Hanover.
- λ **Service Connection.** That part of the drainage system that connects a building to the sanitary sewer main. The service connection consists of the following in the order given: building drain, building sewer, service lateral. The Township is only responsible for the service lateral portion of the service connection.

- λ **Service Lateral.** That part of the sewer pipe extending from the building sewer at the Township’s right-of-way to the main sewer line.
- λ **Sewer Manager.** Any person who may, from time to time, be placed in general charge of the sewer system.
- λ **Sewer System.** The complete sewer system from time to time operated by the Township including the existing systems of sewers within the Township and the sewage treatment collection sewers, interceptor sewers, sewer mains and force mains, pumping stations and sewer facilities to be constructed, together with all further improvements, extensions and capital additions acquired or constructed by the Township.
- λ **Shall** is mandatory; **May** is permissive.
- λ **Significant Industrial User.** A non-residential user of the Township’s wastewater system who:
 1. Is subject to National Categorical Pretreatment Standards; or
 2. Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling water and boiler blowdown); or
 3. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the Township’s treatment plant; or
 4. Is designated as such by the Township on the basis that it has an adverse affect (either realized or a reasonable potential) on the POTW’s operation, on effluent and biosolids quality, or for violating a pretreatment standard or requirement.

The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards under § 403.6 and 40 CFR Chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- a. The Industrial User, prior to Control Authority’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
- b. The Industrial User annually submits the certification statement required in §403.12(q) together with any additional information necessary to support the certification statement; and

c. The Industrial User never discharges any untreated concentrated wastewater.

λ **Significant Noncompliance (SNC).** Any violation of pretreatment standards or requirements that meets one or more of the following eight criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 404.3(1);
2. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all the measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criteria (1.4 for BOD5, TSS, oil & grease; and 1.2 for all other pollutants except pH);
3. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Township determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
4. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority under 40 CFR § 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;
5. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance; or
8. Any other violation(s), which may include a violation of Best Management Practices, which the Township determines will adversely affect the operation or implementation of the Township's pretreatment program.

λ **Sludge.** The solid, semi-solid or liquid residue resulting from the collection and treatment of industrial, commercial and municipal wastewaters. This term may refer particularly to chemical or physical (not biological) residues.

- λ **Slug Load or Slug.** Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, or at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Sections 3.1 and 3.2 of this ordinance.
- λ **Soil Pipe.** Any pipe receiving the discharge of one (1) or more water closets, with or without fixtures.
- λ **Solid Waste.** Garbage, refuse and other discarded materials including, but not limited to, solid and liquid waste materials resulting from municipal, industrial, commercial, agricultural and residential activities.
- λ **Standard Industrial Classification (SIC) Code.** A classification pursuant to the *Standard Industrial Classification Manual* issued by the U.S. Office of Management and Budget, 1987.
- λ **State.** The Commonwealth of Pennsylvania.
- λ **Storm Sewer or Storm Drain.** A sewer which carries storm and surface waters and drainage, but excludes sewage and polluted industrial wastes.
- λ **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snow melt.
- λ **Suspended Solids.** The total nonfilterable residue retained on a glass fiber filter and dried at a temperature of one hundred three to one hundred five degrees centigrade (103° to 105° C) to a constant weight.
- λ **Tapping Fee.** A four part fee collected by the Township to cover eligible capital expenditures for existing or planned capacity, distribution, collection or special purpose facilities necessary to supply service to users in accordance with Act 57 of 2003 of the Commonwealth of Pennsylvania.
- λ **Terminology.** Technical terminology contained in these rules and regulations or in ordinances above referred to shall be interpreted by and through and shall have the meanings set forth in the Standard methods for the Examination of Water, Sewerage and Industrial Wastes and the Glossary, Water and Sewerage Control Engineering, both prepared by the American Public Health Association.
- λ **Total Suspended Solids (TSS).** The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.
- λ **Township.** The Township of Penn, York County, Pennsylvania, Board of Commissioners (Township Commissioners), its agents or authorized representatives.

- λ **User.** Any person who contributes, causes, or permits the contribution of wastewater into the Township’s POTW.
- λ **Wastewater.** The liquid and water-carried industrial or sanitary wastes from residential dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which are contributed into or permitted to enter the Township’s system.

1.4 Abbreviations

The following abbreviations shall have the designated meanings:

λ	AO	Administrative Order
λ	BMP	Best Management Practices
λ	BMR	Baseline Monitoring Report
λ	BOD5	Biochemical Oxygen Demand, 5-day
λ	CFR	Code of Federal Regulations
λ	COD	Chemical Oxygen Demand
λ	EPA	U.S. Environmental Protection Agency
λ	gpd	gallons per day
λ	LEL	Lower Explosion Limit
λ	mg/L	milligrams per Liter
λ	NH3-N	Ammonia Nitrogen
λ	NOV	Notice of Violation
λ	NPDES	National Pollutant Discharge Elimination System
λ	O&G	Oil and Grease
λ	O&M	Operation and Maintenance
λ	PA DEP	Pennsylvania Department of Environmental Protection
λ	PC	Pretreatment Coordinator
λ	POTW	Publicly Owned Treatment Works
λ	QA/QC	Quality Assurance/Quality Control
λ	RCRA	Resource Conservation and Recovery Act

λ	SIC	Standard Industrial Classification
λ	SNC	Significant Noncompliance
λ	SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
λ	TRC	Technical Review Criteria
λ	TSS	Total Suspended Solids

ARTICLE 2 SEWER CONNECTIONS

2.1 Sewer Connection Requirements

Each and every owner of improved property within the Township abutting on, adjoining, or within one hundred fifty feet (150') proximity to any street, easement or highway in which a sewer is now laid and is available for transport of wastewater which is not connected with such sewer, and as new sewer service becomes available to existing properties, and as sewer extensions serve new development within the Township shall, upon written notice from the Township that connection is required, connect the property within forty-five (45) days with such sewer in accordance with the rules and regulations of the Township. Notification to connect may be given either by personal service or by registered or certified mail sent to the last known address of such owner.

Unless written permission is obtained from the Township engineer, a separate building sewer shall be required for each individual building or house, whether constructed as a detached unit or as one (1) of a pair of row, but a single building sewer may be permitted to serve a school, factory, apartment building or other permanent multiple-unit structure whose individual apartments or units may not be subject to separate ownership. No person owning or renting existing property connected to the sewer system shall permit another property or dwelling unit to connect to the service lateral or building sewer, except upon written permit from the Township engineer.

A single building sewer will be permitted to serve an existing double house in which the building drain is common to both houses or is not readily separable. In such case, it will be necessary for each owner to make separate application and pay separate connection charges for the installation and pay the prescribed sewer rentals for each property. Any disagreement between the two (2) parties concerning maintenance of the common building drain and sewer will be sufficient cause for the Township to require the installation of additional connections to the sewer main to provide individual building sewers and service laterals to both houses. The installation of such separate service laterals from the sewer main to the curb and the building sewer from the curb to the property shall be made at the joint expense of the property owners. In addition, where a common water supply exists and the shut-off valve for both halves of the duplex is located wholly on one or the other property, the Township, or its agent the Borough of Hanover Water Department, shall be afforded access to the valve for the purposes of shutting off and/or restoring water service.

Building sewers shall be subject at all times to the inspection and approval of the Township or its representative, who shall have supervision and control over the same. Any construction of building sewers not approved shall be relaid at the expense of the property owner if the Township so orders. During construction of the sanitary sewers, the service lateral will be installed by the Township at the expense of the property owner to the right-of-way line at which point a cleanout shall be installed. On service laterals constructed in developments, the riser section of the cleanout shall be extended four feet (4') above grade and capped. This will serve as a marker for connecting the building sewer at later date. After the building sewer has been connected and the final grade has been determined the riser shall be cut off to accept a cast iron cleanout cap assembly which shall be located flush with final grade. This cleanout shall be considered to be part of the building sewer. The building sewer shall be made, by and at the sole expense of the property owner, to the service

lateral heretofore constructed. All building sewers shall be maintained by and at the sole expense of the property owner.

2.2 Service Connection Application, Permit and Utility Billing

Any person owning improved property that is required to connect to the sewer must file an application for a connection permit on a form furnished by the Township prior to installing a building sewer. The application must be signed by the owner(s) or a duly authorized agent and must be complete. A permit authorizing such connection may be granted after filing a complete and proper application and permit fee. All sewer connections or disconnections shall be made under the supervision, control and approval of the Township.

The property owner shall be responsible for all sewer bills and the proper observance of the rules and regulations. In addition, when ownership of a property served by public sewer transfers from one person(s) to another, the new property owner shall make application to the Township to establish a new sewer billing account for said property within ten (10) working days of the transfer of ownership.

2.3 Prohibited Use of Alternate Wastewater Disposal

Whenever the Township shall have given notice to an owner to connect with an available sewer pursuant to subsection 2.1, it shall be unlawful for such property owner to operate or use, construct or install a privy, cesspool, vault, septic tank or similar receptacle for wastewater upon the property, or to connect any such systems with any sewer of the sewer system, or to discharge wastewater into any storm sewer or other sewer or outlet other than a sewer of the sewer system. Upon connection to the public sewer system any alternate disposal systems shall be removed from service in accordance with the Township's Plumbing Code specifications or policies.

2.4 Sewer Extensions

If an individual, builder or developer wishes to install sewer lines, service laterals and building sewers to a building or to a development prior to its individual use or sale, all conditions as set forth in this subsection and others must be met.

All proposed lot improvements must file sewage facility planning module and land development plans including a plot plan to the Township for approval prior to any construction. Module forms for sewage facilities are available from the York Regional office of the PA DEP.

Sewer plans must conform to all Township specifications and shall be designed in compliance as follows:

- a. The individual, builder or developer may procure design of the proposed sewer extension(s) directly from any professional engineer qualified and competent in the field of sanitary engineering design. In such case, the plans and detailed design must conform to the Developer's Specifications, copies of which are available from the Township. The completed plans shall be submitted to the Township for approval. Any

revisions in design considered necessary in the opinion of the Township shall be made by the developer and paid for by the developer. The Township may approve any plan to the sewer system upon recommendation of the Township engineer and undertake to secure approvals from the necessary state agencies.

- b. The Township may, at its sole discretion, provide plans and detailed design of the sewer system for the extensions, including approvals from the necessary state agencies. The engineering fees will be in accordance with the most current fee schedule which is set and amended, from time to time, by resolution of the Board of Commissioners, together with necessary legal and other costs and shall be paid by the individual, builder or developer. The total of the estimated engineering fee and the other estimated costs must be deposited with the Township before design commences.

Such approved extensions may then be constructed by and at the expense of the individual, builder or developer, but only under the inspection of an authorized agent of the Township. The cost of such inspection, including appropriate fees and expenses, shall be borne by the individual, builder or developer making the extension.

Upon completion of the extension to the sewer system of Penn Township, York County, the individual, builder or developer shall deed the extension, free of all encumbrances, to the Township. The extension to the sewer system shall be accepted by the Township only after a certificate is issued by the Township engineer. No connection shall be made to the extension until the engineer's certificate has been issued and accepted by the Township. When the extension has been accepted by the Township, all connections shall be made in accordance with these rules and regulations, including all the necessary inspections of building sewers, securing of permits and other requirements.

2.5 Construction Specifications

2.5.1 Pipe and Installation Specifications

- a. All service laterals and building sewers shall be constructed of one (1) of the following types of pipe: SDR35 or SDR26 PVC Sewer Pipe, Service Weight Cast Iron or cement lined Ductile Iron pipe class 52, jointed with rubber O-Ring slip on type joints.
- b. Where due to special conditions, such as but not limited to, excessive depth, poor stability of soil, insufficient depth, or heavy traffic areas, a higher grade of pipe other than specified above may be required, the Township engineer reserves the right to require a higher grade pipe when from time to time may become necessary.
- c. All service laterals shall be at least six inches (6") in internal diameter. All building sewers shall be at least four inches (4") in internal diameter.
- d. All service laterals and building sewers shall be installed with a minimum slope of two percent (2%) unless otherwise approved by the Township engineer.

- e. All service laterals and building sewers shall be designed deep enough to allow for basement service unless otherwise approved by the Township engineer.
- f. The separation of service laterals and building sewers from other utilities shall be a minimum of five feet (5') horizontally and one foot (1') vertically.
- g. The minimum depth of cover for service laterals and building sewers shall be four feet (4').
- h. All service laterals and building sewers shall be constructed in accordance with the specifications for Sewer Lateral Installations, on file at the Township office.

2.5.2 Cleanouts and Traps

The maximum distance between cleanouts shall be seventy-five feet (75'). As a minimum cleanouts shall be installed at the start of the building sewer and at the point of connection to the sewer lateral. Cleanouts shall consist of a sanitary wye and 1/8 bend and riser pipe. The riser pipe must be provided with a cast iron connection at grade to accept a standard four inch (4") or six inch (6") metal type cover.

2.5.3 Special Conditions

Whenever, in the opinion of the Township engineer or its agent, the trenching conditions require a specific type of either pipe, jointing material, backfill or encasement in concrete, such materials, as it may direct, shall be installed to protect the property owner(s) and/or the Township from special conditions as follows but not limited to:

- a. Where the lines are laid in fill, minimum class 52 cement lined ductile iron pipe shall be used.
- b. Where poor bearing qualities are found at the bottom of the trench, stabilization shall be achieved by over-excavating a minimum of two (2) pipe diameters, then backfill to within six inches (6") of grade with an AASHTO #1 stone and then bring up to grade with an AASHTO #57 stone.
- c. Where rock is encountered, it shall be excavated to a depth of six inches (6") below the bottom of the pipe and the trench refilled to grade line with approved crushed stone.

2.5.4 Connections to Service Laterals

Connections to service laterals, if of the same pipe size, shall be made by properly joining to the bell end of the service lateral provided. If not of the same size a reducer fitting shall be installed in the bell end of the service lateral and connected to the building sewer with an approved type fernco coupling. Connection of the building drain to the building sewer pipe shall be made with a standard reducing fitting. Projecting the smaller pipe into the larger and sealing will not be permitted. Where a building sewer is made with pipe larger in diameter than the service lateral

provided, the larger building sewer shall be extended to the sewer main and properly connected as specified herein at the expense of the property owner.

2.5.5 Connections to Street Sewer Mains

Connections to street sewer mains shall be completed using branch fittings as approved by the Township Engineer.

2.5.6 Street Opening Permits and Restoration of Surface

Wherever the surface of any public street, sidewalk or cartway is disturbed by construction of the service laterals, the surfacing material must be restored in kind to the satisfaction of the Township. Any and all construction in a public street of the Township shall be in compliance with the ordinance of the Township, and all necessary permits shall be obtained from the Township before construction is commenced, including the permit required for opening or disturbing the surface of the street.

2.5.7 Supervision and Inspection

The construction of service laterals and building sewer shall at all times be subject to supervision and inspection by the Township and shall conform to the Township specifications. The service laterals and building sewers shall not be covered until inspected by the Engineer or the Township, and all backfilling of trenches shall be under their supervision and shall be thoroughly compacted by tamping in six inch layers to a minimum height of twelve inches (12") above the pipe.

2.5.8 Connections through Private Property

Connections with sewers where same are run through private property shall in all respects be governed by these rules and regulations.

2.6 Violations and Penalties

If any owner of property shall have failed to connect the property with an available sewer as required by subsection 2.1, and the Township shall have given such owner forty-five (45) days written notice pursuant to subsection 2.1, and if such owner shall have failed within the forty-five day period to make the required connection, such failure shall be and hereby is declared a violation of this section.

If any owner of property served by public sewer shall have failed to submit application to the Township following transfer of ownership as required by Subsection 2.2, such failure shall be and hereby is declared a violation of this section.

Any person, firm or corporation who shall violate any provision of this article shall be subject to the penalties for violations as described in Chapter 101 of the Penn Township Code. Each continuing day of violation of this article shall constitute a separate offense. The Township shall

have the right to close or disconnect from the sewer system any service lateral or building sewer whenever any violation of these rules and regulations is committed.

ARTICLE 3 SEWER USE REGULATIONS

3.1 General Discharge Prohibitions

No user shall contribute or cause to be contributed into the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local pretreatment standards or requirements.

3.2 Specific Discharge Prohibitions

No user may contribute or cause to be contributed the following substances into the POTW:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR § 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which is a fire hazard or a hazard to the system.

- b. Pollutants which may cause corrosive structural damage to the POTW. The wastewater pH shall not be less than 5.0 nor more than 11.0 in the user's discharge to the POTW.
- c. Solids greater than one-half inch (1/2") in any dimension, or any solid or viscous substances which may cause obstruction to the flow in the POTW resulting in interference.

Prohibited materials include, but are not limited to: garbage, offal, manure, ashes, cinders, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains and hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.

- d. Any pollutants, including oxygen-demanding pollutants (BOD5, etc.) released at a flow rate and/or pollutant concentration which cause interference to the POTW. In no case shall a wasteload have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than 15 minutes, more than five (5) times the

average 24-hour concentration, quantities, or flow during normal operation, unless otherwise authorized in writing by the Pretreatment Coordinator.

- e. Any wastewater having a temperature which will inhibit biological activity in the Township's treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the POTW to exceed 104°F (40°C).
- f. Petroleum oil, nonbiodegradable cutting oil, or products of mineral origin in amounts that will cause interference or pass through.
- g. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- h. Hauled or trucked waste unless authorized by the Pretreatment Coordinator and only at designated discharge points in accordance with Section 3.9 of this ordinance.
- i. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.
- j. Any wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plant's effluent, thereby violating the Township's NPDES Permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration except in compliance with applicable State or Federal regulations.
- l. Storm water, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, noncontact cooling water, condensate, unpolluted industrial or nonresidential process water, unless specifically authorized in writing by the Pretreatment Coordinator.

The discharge of cooling water from air conditioning units with cooling towers or recirculating systems or from air conditioning units using flow-through or unrecirculating systems is prohibited. The sanitary sewers are not designed to handle the cooling water volumes produced by air conditioning units. Cooling water, free from bacteria and harmful chemicals, should be drained into storm sewers in accordance with State and Federal requirements.

- m. Any residue, including biosolids, chemical sludges or screenings from the pretreatment of industrial wastes.

- n. Medical wastes, except as specifically authorized by the Pretreatment Coordinator in a wastewater discharge permit.
- o. Any wastewater containing pollutants in sufficient quantity which, either singly or by interaction with other pollutants may create a toxic effect in the receiving waters of the POTW, cause the plant effluent to fail a toxicity test, or exceeds the limitations set forth in a National Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
- p. Detergents, surface-active agents, or other substances in sufficient quantities which causes excessive foaming in the POTW.
- q. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.

3.3 National Categorical Pretreatment Standards

The National Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, § 405-471 are hereby incorporated into this ordinance. Upon promulgation of a National Categorical Pretreatment Standard under Section 307 of the Clean Water Act for a particular industrial subcategory, the pretreatment standard, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall supersede the limitations imposed by the Township. All affected significant industrial users must comply with the applicable reporting requirements under 40 CFR § 403.12 (b).

3.4 Modification of National Categorical Pretreatment Standards

When wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the Township may impose an alternate limit using the combined waste stream formula in 40 CFR § 403.6 (e).

A user may obtain a variance from EPA for a Categorical Pretreatment Standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR § 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

A Categorical Industrial User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraph:

- a. Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Township. Upon request of the Industrial User, the applicable Standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of 40 CFR § 403.15(b) are met.

3.4.1 Equivalent Mass Limits

Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Township may impose equivalent concentration or mass limits in accordance with 40 CFR § 403.6 (c).

When the limits in a categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, a user may request that the Township convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Township. The Township may establish equivalent mass limits only if the user meets all of the conditions outlined in 40 CFR § 403.6(c)(5) as set forth below:

- a. To be eligible for equivalent mass limits, the Industrial User must:
 1. Employ, or demonstrate that it will employ water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 2. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 3. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 4. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 5. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.
- b. An Industrial User subject to equivalent mass limits must:
 1. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

2. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 3. Continue to record the facility's production rates and notify the Township whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph a(3) of this section. Upon notification of a revised production rate, the Township will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 4. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs a(1) and a(2) of this section so long as it discharges under an equivalent mass limit.
- c. When developing equivalent mass limits, the Township:
1. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
 2. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 3. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.8. The Industrial User must also be in compliance with Section 7.2.
- d. The Township may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.

The Township may convert the mass limits of the categorical Pretreatment Standards at 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual users under the following conditions. When converting such limits to concentration limits, the Township must use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as stated in section 3.8 of this ordinance.

3.5 Local Limits

The Township reserves the right to impose specific pollutant limitations on users. Specific limitations will be established by resolution of the Board following determination by the Township and their Engineer, and acceptance by EPA. The Township may impose mass limitations in addition to, or in place of, concentration limitations. Local limits may be detailed in a user's wastewater discharge permit, issued pursuant to Section 4.3 of this ordinance. The Township may develop Best Management Practices (BMPs) to implement the conditions of this ordinance. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of the Act.

3.6 State Requirements

State requirements and limitations on discharges apply in any case where they are more stringent than National Pretreatment Standards or requirements, or those in this ordinance.

3.7 Township's Right of Revision

The Township reserves the right to establish through a wastewater discharge permit more stringent limitations or requirements on discharges to the POTW if deemed necessary and appropriate to comply with the objectives presented in Section 1.1 of this ordinance.

3.8 Diluted Discharge

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the National Categorical Pretreatment Standards, or with any other pretreatment standard or requirement.

3.9 Hauled Wastewater

Holding tank wastes may be introduced into the POTW only at locations designated by the Pretreatment Coordinator, and at such times as are established by the Pretreatment Coordinator. Such waste shall not violate Sections 3.1 and 3.2 of this ordinance or any other requirements established by the Township. The Pretreatment Coordinator may also require septage haulers to obtain wastewater discharge permits.

The Township may require generators of hauled industrial waste to obtain wastewater discharge permits. The Township may require industrial waste haulers to also obtain a discharge permit. The Township may also prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this ordinance.

Industrial waste haulers may discharge loads only at locations designated by the Township. No load may be discharged without prior consent of the Pretreatment Coordinator. The Pretreatment Coordinator may collect samples of each hauled load to ensure compliance with applicable standards. The Pretreatment Coordinator may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the following information:

- λ name and address of the industrial waste hauler,
- λ permit number,
- λ truck identification,
- λ names and addresses of sources of waste,
- λ type of industry,
- λ known or suspected waste constituents,
- λ volume and characteristics of waste, and
- λ whether any wastes are RCRA hazardous wastes.

3.10 Falsifying Information

No user shall knowingly make any false statements, representations, or certifications in any application, record, report, plan, or other document filed or required to be maintained pursuant to this ordinance or to a wastewater discharge permit, or falsify, tamper with, or knowingly render inaccurate any monitoring device or method required under this ordinance.

ARTICLE 4 INDUSTRIAL USER CONTROL MECHANISMS

4.1 Industrial User Connection Application

Commercial and industrial establishments desiring to connect and/or discharge to the Township's sewer system shall make written application to the Township on a form provided by the Township. These establishments shall also furnish a detailed description as to type of commercial or industrial establishment to be served, along with a list setting forth the number and type of fixtures to be served. Commercial and industrial applicants may also be required to provide the Pretreatment Coordinator with two (2) copies of a site plan showing the:

- a. Boundaries of the property;
- b. Location within the property of the structures to be served;
- c. Location and profile of the services to be installed; and
- d. All sewer connections.

4.2 Industrial User Survey

When requested by the Pretreatment Coordinator, a user shall submit information on the nature and characteristics of its wastewater by completing a wastewater user survey questionnaire within thirty (30) days of the request. The Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require users of the POTW to update the survey. Failure to complete the wastewater survey questionnaire shall be considered a violation of this ordinance which subjects the user to the enforcement actions set out in Section 6 of this ordinance.

4.3 Wastewater Discharge Permit

4.3.1 General

All significant industrial users proposing to connect or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. The Pretreatment Coordinator may require other users to obtain wastewater discharge permits, as necessary, to carry out the purposes of this ordinance. An application for a wastewater discharge permit, submitted in accordance with Section 4.3.2 of this ordinance, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this ordinance and subjects the user to the enforcement actions described in Section 6 of this ordinance. Obtaining a wastewater discharge permit does not relieve the permittee of its obligation to comply with all National Pretreatment Standards or requirements or with any other Federal, State or local law.

Any existing user, required to obtain a permit by this ordinance or by the Pretreatment Coordinator, who wishes to continue discharging to the POTW shall apply for a wastewater discharge permit within thirty (30) days after the effective date of this ordinance.

4.3.2 Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application which shall contain the following information:

- a. Name, mailing address, and location of the facility;
- b. Name of the operator and/or owner of the facility;
- c. SIC number, according to the Standard Industrial Classification Manual, Office of Management and Budget 1987, as amended;
- d. Description of activities, facilities, and plant processes on the premises, including all raw materials and chemicals used or stored at the facility which are or could be discharged to the POTW;
- e. Water usage data; and time and duration of discharges;
- f. Average daily and 30-minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- g. Each product produced by type, amount, process, or processes, and rate of production;
- h. Type and amount of raw materials processed (average and maximum per day);
- i. Number and type of employees, hours of operation of plant, and proposed or actual hours of operation;
- j. Wastewater constituents and characteristics as determined by a reliable analytical laboratory; sampling techniques and pollutant analyses shall be performed in accordance with Section 4.5 of this ordinance;
- k. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- l. Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State or National Pretreatment Standards, and a statement regarding whether or not the 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 for the user to meet applicable pretreatment standards;
- m. 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 in accordance with the conditions in Section 4.6.2 of this ordinance. The

completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

- n. Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on 40 CFR 403.12(e)(2).
- o. Any request to be covered by a general permit based on Section 4.3.2.1.
- p. Any other information as may be deemed by the Pretreatment Coordinator to be necessary to evaluate the permit application.
- q. The permit application shall be signed and certified by an authorized representative of the user in accordance with Section 4.4.1 of this ordinance.

The Pretreatment Coordinator will evaluate the data furnished by the user and may require further information. After evaluation and acceptance of the data furnished, the Pretreatment Coordinator may issue a Wastewater Discharge Permit subject to the terms and conditions provided herein. A permit fee is required at the time of permit application. Permit fees are established by Township Resolution.

4.3.2.1 General Permits

At the discretion of the Township, the Township may use general permits to control SIU discharges to the Township if the following conditions are met. All facilities to be covered by a general permit must:

- a. Involve the same or substantially similar types of operations;
- b. Discharge the same types of wastes;
- c. Require the same effluent limitations;
- d. Require the same or similar monitoring; and
- e. In the opinion of the Township, the SUI's are more appropriately controlled under a general permit than under an individual wastewater discharge permit.

To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any request in accordance with Section 4.6.4 for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the Township deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Township has provided written notice to the SIU that such a waiver request has been granted in accordance with Section 4.6.4.

The Township will retain a copy of the general permit, documentation to support the Township's determination that specific SIU meets the criteria in a. through e. above, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.

The Township may not control an SIU through a general permit where the facility is subject to production-based categorical Pretreatment Standards or categorical Pretreatment Standards expressed as mass of pollutant discharge per day or for IUs whose limits are based on the Combined Wastestream Formula or Net/Gross calculations.

4.3.3 Permit Conditions

Wastewater discharge permits shall be expressly subject to all provisions of this ordinance and all other applicable regulations, user charges and fees established by the Board of Commissioners.

4.3.3.1 Required Permit Conditions

Permits shall contain the following:

- a. A statement that indicates wastewater discharge permit duration, which in no case shall exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than one (1) year, at the discretion of the Pretreatment Coordinator. Each wastewater discharge permit shall include a specific date upon which it will expire;
- b. A statement that the permit is nontransferable without prior notification to the Pretreatment Coordinator in accordance with Section 4.3.8 of this ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- c. Effluent limits, including Best Management Practices, based on applicable national pretreatment standards for wastewater constituents and characteristics;
- d. Monitoring, sampling, reporting, notification, and record keeping requirements as described in Section 4.6 of the ordinance. These requirements shall include an identification of pollutants to be monitored, sampling location, frequency and type based on Federal, State and local law. This includes the process for seeking a waiver for a pollutant neither present nor expected to be present in the discharge, or a specific waived pollutant in the case of an individual control mechanism;
- e. A statement of applicable penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law;
- f. Requirements to control slug discharges, if determined by the Township to be necessary; and
- g. Any grant of the monitoring waiver by the Township, such as for pollutants not present as described in Section 4.6.5 of this ordinance, must be included as a condition in the User's permit (or other control mechanism).

4.3.3.2 Optional Permit Conditions

Permits may also contain, but not be limited to, the following conditions:

- a. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the sewer system;
- b. Limits on average and maximum rate of discharge, time of discharge, and/or requirements for flow regulations and equalization;
- c. Requirements for development and implementation of spill or slug load control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- d. Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- e. Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- f. Requirements for construction and/or installation and maintenance of pretreatment facilities designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
- g. A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal, State and local pretreatment standards or requirements, including those which become effective during the term of the permit.
- h. Other conditions as deemed necessary by the Township to ensure compliance with this ordinance, and Federal and State laws, rules and regulations.

4.3.4 Permit Issuance or Denial

The Pretreatment Coordinator will evaluate the data furnished by the user and may request additional information. Within 45 days of receipt of a complete wastewater discharge application, the Pretreatment Coordinator will determine whether or not to issue a wastewater discharge permit. The Pretreatment Coordinator may deny any application for a wastewater discharge permit.

4.3.5 Public Notification

The Pretreatment Coordinator shall publish in the local newspaper a notice of intent to issue a wastewater discharge permit at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed, and an address where written comments may be submitted.

4.3.6 Permit Appeals

The Pretreatment Coordinator will provide public notice of the issuance of a wastewater discharge permit decisions. Any person, including the permittee, may petition the PC to reconsider the terms of the wastewater discharge permit in writing within thirty (30) days of the notice.

- a. Failure to submit a petition for review shall be deemed a waiver of the appeal.
- b. In the petition, the appealing party must indicate the permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to be placed in the permit.
- c. The effectiveness of the permit shall not be stayed pending reconsideration by the Pretreatment Coordinator. If, after reviewing the petition and any arguments, the PC determines that reconsideration is appropriate, the PC may remand the permit for reissuance.
- d. The Pretreatment Coordinator's decision not to reconsider a final permit, not to issue a permit, or not to modify a permit shall be considered final administrative actions for purposes of judicial review.
- e. If relief is not obtained, the permittee seeking judicial review of the Pretreatment Coordinator's final action must do so by filing a complaint with the Court of Common Pleas for York County within thirty (30) days.

4.3.7 Permit Revisions

Within ninety (90) days of promulgation of a National Categorical Pretreatment Standard, the wastewater discharge permit subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a significant industrial user, subject to a National Categorical Pretreatment Standard, has not previously submitted an application for a wastewater discharge permit as required in Section 4.3.1, the significant industrial user shall apply for a wastewater discharge permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard. In addition, the significant industrial user with an existing wastewater discharge permit shall submit to the Pretreatment Coordinator within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard the information required by paragraphs (l) and (m) of Section 4.3.2.

Any condition of the wastewater discharge permit may be subject to revision by the Pretreatment Coordinator during the term of the permit. These revisions include, but are not limited to, the following:

- a. The incorporation of any new or revised, National, State, or local pretreatment standards or requirements;
- b. Any changes in the permittee's process or discharge characteristics;

- c. Information indicating that the permitted discharge poses a threat to the Township's collection and treatment facilities, personnel, or receiving waters;
- d. Violation of any terms or conditions of the wastewater discharge permit;
- e. Misrepresentation or failure, upon the permittee's part, to disclose fully all relevant facts in the permit application or any required reporting;
- f. The correction of typographical or other errors in the wastewater discharge permit;
- g. The transfer of facility ownership and/or operation to a new owner/operator; or
- h. Requests by the permittee, provided such requests do not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The permittee shall be informed of any proposed changes in their wastewater discharge permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the Pretreatment Coordinator. The filing of a request by the permittee for a permit modification, revocation or reissuance, or termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

4.3.8 Permit Transfer

Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Pretreatment Coordinator.

The permittee must give at least thirty (30) days advance notice to the Pretreatment Coordinator. The notice to the Pretreatment Coordinator must include a written notarized certification by the new owner or operator which:

- a. States that the new owner and/or operator have no immediate intent to change the facility's operations or processes;
- b. Identifies the specific date on which the transfer is to occur; and
- c. Acknowledges full responsibility for complying with the existing permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of the facility transfer.

4.3.9 Permit Termination

Wastewater discharge permits may be terminated for the following reasons:

- a. Failure to notify the Pretreatment Coordinator of significant changes to the wastewater prior to a changed discharge;
- b. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- c. Falsifying monitoring reports;
- d. Tampering with monitoring equipment;
- e. Refusing to allow timely access to the facility premises and records;
- f. Failure to meet effluent limitations;
- g. Failure to pay fines;
- h. Failure to pay sewer charges;
- i. Failure to meet compliance schedules;
- j. Failure to complete a wastewater survey questionnaire or the wastewater discharge permit application; or
- k. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

4.3.10 Permit Renewal

The Permittee shall apply for permit renewal a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. If the wastewater discharge permit is not reissued by the Pretreatment Coordinator prior to its expiration date, the conditions of the existing permit shall continue until such time that a new permit is issued by the Pretreatment Coordinator.

4.4 Signatories and Certification

4.4.1 Certification of Permit Applications, User Reports and Initial Monitoring Waiver

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user as defined in Section 1.2 of this ordinance and shall contain the following certification statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the

information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

4.4.2 Annual Certification for Non-Significant Categorical Industrial Users

A facility determined to be a Non-Significant Categorical Industrial User pursuant to 403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in 403.12(1). This certification must accompany an alternative report required by the Township:

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

- (a) The facility described as _____ [facility name] met the definition of a non-significant categorical Industrial User as described in 403.3(v)(2);
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based upon the following information:

4.4.3 Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 4.6.5 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____, I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 4.6.4.”

4.5 Sample Collection and Analytical Requirements

Wastewater discharge sampling shall be performed in accordance with the techniques approved by EPA. All wastewater samples must be representative of the user’s discharge.

Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques. All other pollutant sampling must be collected using flow proportional composite sampling techniques. The Pretreatment Coordinator may authorize the use of time proportional sampling, or grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. The decision to

allow the alternative sampling must be documented in the IU file for the facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Township, as appropriate.

For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 4.6.1 and 4.6.3 of this ordinance, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Township may authorize a lower minimum. For the reports required in section 4.6.4 of this ordinance, the Township shall require the number of grab samples necessary to assess and assure compliance by industrial users with applicable Pretreatment Standards and requirements.

All pollutant analyses required by this ordinance or by a user's permit shall be performed in accordance with procedures established by 40 CFR §136 and amendments thereto. Where 40 CFR §136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April 1977, and amendments thereto, or with any other sampling and analytical procedures approved by EPA.

4.6 Reporting Requirements

4.6.1 Baseline Monitoring Report (BMR)

Within either 180 days after the effective date of a National Categorical Pretreatment Standard, or the final administrative decision of a category determination under 40 CFR §403.6 (a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW, shall be required to submit a BMR to the Pretreatment Coordinator. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall be required to submit a BMR. A new source shall also report the method of pretreatment it intends to use to meet applicable categorical standards, and provide estimates of its anticipated flows and quantity of pollutants discharged. A BMR shall contain the following information:

- a. The name and address of the facility, including the name of the operator and owner.
- b. A list of any environmental control permits held by or for the facility.
- c. A brief description of the nature, average rate of production, and standard industrial classifications (SIC) of the operation(s) carried out by the user. This description shall

include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- d. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process waste streams and other waste streams, as necessary, to allow use of the combined waste stream formula, as established in 40 CFR §403.6 (e).
- e. The categorical standards applicable to each regulated process and the results of sampling and analysis of the regulated pollutants for each regulated waste stream. Instantaneous, daily maximum, and long-term average concentrations or mass, where required, shall be reported.
- f. A certification statement 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.
- g. 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. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule shall meet the requirements of Section 4.6.2 of this ordinance.
- h. All BMRs shall be signed and certified in accordance with Section 4.4.1 of this ordinance.
- i. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Township or the Pretreatment Standard necessary to determine compliance status of the user.

4.6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by the discharge permit application and/or by the BMR:

- a. The schedule shall contain increments of progress 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 (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- b. No increment referred to above shall exceed nine (9) months.

- c. No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Pretreatment Coordinator, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established.
- d. In no event shall more than nine (9) months elapse between such progress reports to the Pretreatment Coordinator.

4.6.3 Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Pretreatment Coordinator a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and requirements. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This report shall be signed and certified in accordance with Section 4.4.1 of this ordinance. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Township or the Pretreatment Standard necessary to determine compliance status of the user.

4.6.4 Periodic Compliance Monitoring Reports

Any significant industrial user subject to a pretreatment standard after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge to the POTW, shall submit to the Pretreatment Coordinator during the months of June and December, unless required more frequently in the pretreatment standard or by the Township, a report indicating the nature and concentration of pollutants in the discharge which are limited by such pretreatment standards, and the average and maximum daily flows for the reporting period. All periodic compliance monitoring reports must be signed and certified in accordance with Section 4.4.1 of this ordinance. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the user shall submit documentation required by the Township or the Pretreatment Standard necessary to determine compliance status of the user.

If the user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Township, using the procedures prescribed in Section 4.5, the results of this monitoring shall be included in the report. At the discretion of the Pretreatment Coordinator and in consideration of such factors as local high and low flow rates, holidays, budget cycles, etc., the Pretreatment Coordinator may agree to alter the months during which the above reports are to be submitted. This report shall be signed and certified in accordance with Section 4.4.1 of this ordinance.

Where the Township has established mass limitations in a user's wastewater discharge permit, the compliance report required by this subsection shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass where requested by the Township, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard or by the Township.

4.6.5 Waiver of Pollutants Not Present

The Township may authorize the IU subject to a categorical Pretreatment Standard to forgo sampling of a pollutant regulated by a categorical Pretreatment Standard if the IU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is only present at background levels from intake water and without any increase in the pollutant due to activities of the IU, as subject to the conditions in 40 CFR §403.12(e). This authorization is subject to the following conditions:

- a. The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from a facility provided that the sanitary wastewater is not regulated by an applicable Federal Categorical Pretreatment Standard and otherwise includes no process wastewater.
- b. The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than five (5) years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.
- c. In making a demonstration that a pollutant is not present, the IU must provide data from at least one (1) sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
- d. The request for a monitoring waiver must be signed by an authorized representative of the User, as defined in Section 1.3 of this Ordinance, and include the certification statement in Section 4.4.1 of this Ordinance for each waiver request and include the certification statement in Section 4.4.3 of this Ordinance in each self-monitoring report.

- e. Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR §136 with the lowest minimum detection level for that pollutant is used for the analysis.
- f. Any grant of a monitoring waiver by the Township must be included as a condition of the User's wastewater discharge permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Township for three (3) years after expiration of the waiver.
- g. In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur with the User's operations, the User must immediately comply with the monitoring requirements of Section 4.6.4 of this Ordinance or other more frequent monitoring requirements imposed by the Township. In such cases, the User shall notify the Township.
- h. This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

4.6.6 Reduced Reporting

The Township may reduce the requirement for periodic compliance reports to no less frequently than once a year, unless required more frequently in a Pretreatment Standard or by EPA, where the User's total categorical wastewater flow does not exceed any of the following conditions:

- a. Greater than 0.01 percent of the Township's design dry-weather hydraulic capacity of the Township's treatment plant, or 5,000 GPD, whichever is smaller;
- b. Greater than 0.01 percent of the Township's design dry-weather organic capacity of the Township's treatment plant; and
- c. Greater than 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable Federal Categorical Pretreatment Standard for which approved Local Limits are developed, in accordance with Section 3.5 of this Ordinance.

Reduced reporting is not available to IUs that have been in Significant Noncompliance during the last two (2) years, as defined in Section 8.1 of this Ordinance. In addition, reduced reporting is not available to IUs with daily flow rates, production levels or pollutant levels that vary so significantly that, in the opinion of the Township, decreasing the reporting requirement for this type of IU results in data that are not representative of conditions occurring during the reporting period. The Industrial User must notify the Township immediately of any changes at its facility causing it to no longer meet the conditions of this Section. Upon notification, the IU must immediately begin complying with the minimum reporting listed in Section 4.6.4 of this Ordinance.

4.6.7 Noncompliance Notification and Resampling

If sampling by the user indicates a violation, the user shall notify the Pretreatment Coordinator within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Pretreatment Coordinator performs sampling at least once per month at the user's facility, or if the Pretreatment Coordinator performs sampling at the user's facility between the time when the user performs its initial sampling and the time the user or Township receives the results of this sampling.

4.6.8 Report of Changed Conditions

Each user, whether permitted or not, must notify the Pretreatment Coordinator of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change occurs. For the purposes of this subsection, significant changes include, but are not limited to, flow increases of 20% or greater, and the discharge of any previously unreported pollutants.

The user may be required to submit information to the Pretreatment Coordinator as may be deemed necessary to evaluate the changed condition, including a BMR and/or a wastewater discharge permit application. The Pretreatment Coordinator may issue a new wastewater discharge permit or modify an existing wastewater discharge permit as directed under Section 4.3.7 of this ordinance, as applicable.

4.6.9 Notification of Hazardous Waste Discharge

Any user who commences the discharge of hazardous waste shall notify the Pretreatment Coordinator, the EPA Regional Waste Management Division Director, and DEP Waste Management authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR §261.

Such notification shall include:

- a. The name of the hazardous waste as set forth in 40 CFR §261;
- b. The EPA hazardous waste number; and
- c. The type of discharge (continuous, batch, or other).

If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the user:

- a. An identification of the hazardous constituents contained in the waste;

- b. An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
- c. An estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months.

All notifications shall take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges shall be submitted per Section 4.6.8 of this ordinance. This notification requirement does not apply to pollutants already reported by users subject to categorical standards under the monitoring requirements of Section 4.6 of this ordinance. Dischargers are exempt from the requirements of paragraph (b) of this subsection during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR §261.30(d) and §261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR §261.30(d) and §261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the user shall notify the Pretreatment Coordinator, the EPA Regional Waste Management Waste Division Director, and DEP Waste Management authorities of the discharge of such substances within ninety (90) days of the effective date of such regulations.

In the case of any notification made under this subsection, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a wastewater discharge permit issued hereunder, or any applicable Federal or State law.

4.6.10 Emergency Notification and Reports

In the case of a spill or slug discharge, or any discharge that may cause potential problems for the POTW, it is the responsibility of the user to immediately telephone and notify the Pretreatment Coordinator of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions taken by the user.

Within five (5) days following such discharge, the user shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause of the discharge and the measures to be taken by the user to mitigate and prevent any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW or aquatic life or any other damages to person or property. Such report shall not relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law. This written report shall be signed by an authorized representative of the user.

A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause such a dangerous discharge to occur are advised of the emergency notification procedures.

Industrial Users are required to notify the Township immediately of any changes at its facility affecting the potential for a slug discharge.

4.6.11 Record Keeping

Users subject to the reporting requirements of this ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, including documentation associated with Best Management Practices, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, time of sampling and name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of the analyses. These records shall remain available for five (5) years or longer as specified by the Township, and affording the Township access thereto. This period shall be automatically extended for the duration of any litigation concerning the user or the Township.

4.7 Monitoring Facilities

The Township may require, to be provided and operated at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Township may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times at the expense of the user. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are not representative of its discharge.

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Township's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the Pretreatment Coordinator.

4.8 Inspection and Sampling

The Pretreatment Coordinator shall have the right to enter and inspect the facilities of any user to determine compliance with this ordinance, the discharge permit, compliance orders and pretreatment standards and requirements. Persons or occupants of premises where wastewater is

generated or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of their duties.

The Township, State, and EPA shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, State, and EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

If the Township has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance at the facility, or there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Pretreatment Coordinator may seek issuance of a temporary restraining order or a preliminary injunction granting relief for entry.

ARTICLE 5 COMPLIANCE MEASURES

5.1 Notification of Interference or Pass Through

When the Pretreatment Coordinator determines that a user is contributing to the POTW any of the enumerated substances in Sections 3.1 and 3.2 in such amounts as to interfere with the operation of the POTW or that pass through the POTW, the Pretreatment Coordinator may advise the user of the impact of the contribution on the POTW, and may take necessary action to eliminate the interference or pass through, including the development of discharge limits for such user, at the discretion of the Pretreatment Coordinator. Section 6 of this ordinance provides the appropriate enforcement responses.

5.2 Pretreatment Facilities

Users shall provide necessary wastewater treatment as required to comply with this ordinance and shall achieve compliance with all National Categorical Pretreatment Standards, local limits and the prohibitions set out in Section 3 of this ordinance within the time limitations as specified by the National Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Pretreatment Coordinator for review, and shall be acceptable to the Pretreatment Coordinator before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Township prior to the user's initiation of the changes.

5.3 Additional Pretreatment Measures

Whenever deemed necessary, the Township may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and to determine the user's compliance with the requirements of this ordinance.

The Township may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

Grease, oil, or sand interceptors shall be provided when, in the opinion of the Township, they are necessary for the proper handling of liquid wastes containing grease, oil or sand in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities; except such interceptors may not be required for residential users. All interceptors shall be of a type and capacity approved by the Township and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate

means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Pretreatment Coordinator. Any removal and hauling of the collected materials not performed by owner's (owners') personnel must be performed by currently licensed waste disposal firms.

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

5.4 Spills and Slug Loadings Control Plan

All industrial users will be evaluated by the Pretreatment Coordinator to determine whether they will be required to develop a spill and slug loading control plan or other action to control slug discharges. All Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge. In addition, any user may be required to develop a plan. A plan must address the facilities to be provided and maintained at the user's expense to prevent spills or slug discharges of prohibited materials. Detailed plans showing these facilities and operating procedures to provide this protection shall be submitted to the Pretreatment Coordinator for review and approval by the Township before construction may begin. A spill and slug loading control plan shall address, at a minimum, the following:

- a. Description of discharge practices, including nonroutine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Township of any spill or slug discharge, as required by Section 4.6.10 of this ordinance; and
- d. Procedures to prevent adverse impact from any spill or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, and/or measures and equipment for emergency response.

ARTICLE 6 REMEDIES FOR NONCOMPLIANCE (ENFORCEMENT)

6.1 Remedies Nonexclusive

In the event of non-compliance with any one or more of the provisions of this ordinance, the Township may impose the enforcement responses set forth in this ordinance and may take any other actions authorized by applicable laws or regulations. The Enforcement Response Plan (ERP) of the Township also outlines the procedures to be followed by Township personnel to identify, document and respond to pretreatment violations and instances of non-compliance. The guidelines and details of the ERP may be amended from time to time by action of the Board of Commissioners. None of the following enforcement remedies are exclusive. The Township may impose any, all or any combination of these enforcement responses if the violation or circumstance warrants. The Township may impose penalties for violations under this ordinance before the expiration of compliance deadlines. Issuance of any administrative response, judicial remedy or other enforcement remedy, or filing a suit for civil penalties shall not bar against, or be a prerequisite for, taking any other enforcement action against the user.

6.2 Administrative Enforcement Responses

6.2.1 Notification of Violation (NOV)

Whenever the Pretreatment Coordinator finds that a user has violated or is violating this ordinance, the Wastewater Discharge Permit, or any order, prohibition, limitation or requirement contained herein, the Pretreatment Coordinator may serve upon such person a written notice stating the nature of the violation. Within ten (10) days of the receipt date of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Pretreatment Coordinator by the user. If the user fails to submit a plan within this 10 day period, the Township may develop and enforce a plan to correct the violation in question at the user's expense. The provisions of this subsection shall not relieve the user of any responsibility under this ordinance, statute, law, rule or regulation.

6.2.2 Cease and Desist Orders

When the Pretreatment Coordinator finds that a user has violated or continues to violate this ordinance, the wastewater discharge permit, or any other Order issued hereunder, the PC may issue an Order to Cease and Desist all such violations and direct the user in noncompliance to:

- λ Immediately comply with all requirements; and
- λ Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and/or terminating the discharge.

Issuance of a Cease and Desist Order shall not bar against, or be a prerequisite for, taking any other enforcement action against the user.

6.2.3 Compliance Orders

When the Pretreatment Coordinator finds that a user has violated or continues to violate this ordinance, the wastewater discharge permit, or order issued hereunder, the PC may issue a compliance order to the user responsible for the discharge directing that the user come into compliance within a specific time period. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and properly operated. Compliance orders may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices. A compliance order may not extend the deadline for compliance established for National Categorical Pretreatment Standards or requirements, nor does a compliance order relieve the user of liability for any violation, including any continuing violation.

6.2.4 Consent Orders

The Township is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the Order. Consent Orders shall have the same force and effect as Compliance Orders issued pursuant to 6.2.3.

6.2.5 Show Cause Orders

Notwithstanding the aforesaid enforcement provisions, the Pretreatment Coordinator may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Township why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Township regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Township why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified or registered mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any authorized representative of the user.

The Pretreatment Coordinator or other person designated by the Township shall conduct the hearing and be authorized as follows:

- a. To issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- b. To take the evidence; and

- c. To transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township for action thereof.

At any hearing held pursuant to this ordinance, testimony shall be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

After the Pretreatment Coordinator has reviewed the evidence, it may issue an Order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives deemed necessary and appropriate may be issued by the Pretreatment Coordinator.

6.2.6 Administrative Fines

Any user who is found to have violated, or continues to violate, any pretreatment standard or requirement, any provision of this ordinance, and the orders, rules, regulations, and permits issued hereunder, may be fined by the Pretreatment Coordinator on amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In the case of monthly or other long term average discharge limit violations, fines shall be assessed for each day during the period of violation.

6.2.7 Emergency Suspensions

The Township may suspend wastewater treatment service and/or the Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Pretreatment Coordinator, in order to stop any discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, threatens interference with the operation of the POTW, or threatens to cause the Township to violate any condition of its NPDES permit.

Any user notified of a suspension of wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate the discharge to the POTW. In the event of a failure by the user to comply voluntarily with the suspension order, the Pretreatment Coordinator may take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Pretreatment Coordinator may reinstate the Wastewater Discharge Permit upon proof of the elimination of the noncomplying discharge by the user, and payment of any damages, fines, penalties or costs associated with the discharge.

A user which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any further occurrence to the Township within fifteen (15) days of the date of occurrence.

6.2.8 Revocation of Permit

Any user who violates the following conditions of this ordinance, or applicable State and Federal regulations, is subject to having their Wastewater Discharge Permit revoked for:

- a. Failure of the user to factually report the wastewater constituents and characteristics of discharge;
- b. Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to the changed discharge;
- c. Refusal to permit reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling;
- d. Violation of the conditions of the Wastewater Discharge Permit; or
- e. Failure to terminate new or increased discharges that have not been permitted or are prohibited.

Noncompliant users will be notified of the proposed termination of their Wastewater Discharge Permit and be offered an opportunity to show cause under Section 6.2.5 why the proposed action should not be taken.

6.3 Judicial Remedies

If any user or other person discharges wastewater, industrial wastes, or other wastes into the POTW contrary to the provisions of this ordinance, National or State pretreatment requirements, or any order of the Township, the Township may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of York County. Issuance of any judicial remedies shall not bar against, or be a prerequisite for, taking any other enforcement action against the user. Some of these actions include the following:

6.3.1 Injunctive Relief

Whenever a user has violated or continues to violate the provisions of this ordinance, the Wastewater Discharge Permit, or Order issued hereunder, the Pretreatment Coordinator may petition the Court of Common Pleas of York County through the Solicitor for the issuance of a temporary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the user. The Township shall have such remedies to collect these fees as it has to collect other sewer service charges.

6.3.2 Civil Penalties

Any user who has violated or continues to violate this ordinance, and the orders, rules, regulations, and permits issued hereunder, shall be liable to the Township for a civil penalty of not more than Twenty-Five Thousand Dollars (\$25,000.00) plus actual damages incurred by the Township per violation per day as the violation continues. In the case of a monthly or other long term average discharge limit, penalties shall accrue for each day during the period of the violation.

In addition to the above described penalty and damages, the Township may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

The Pretreatment Coordinator may petition the Court to impose, assess, and recover such sums. In determining the amount of civil liability, the Court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

6.3.3 Criminal Penalties

In addition to any other remedies for non-compliance set forth under this ordinance, or under any federal or state law or regulation, the Township shall have the right to institute criminal prosecution for violation of any provision of this ordinance. Procedures to be filed and penalties imposed as a result of such criminal proceedings shall be as permitted or required by law for the violation of Township ordinance generally, and penalties imposed as a result of conviction of violation of this ordinance shall be those penalties provided in Chapter 101 of the Code of Penn Township, providing for a fine of \$1,000.00 or, upon default of payment of such fine, imprisonment for not more than thirty (30) days.

6.4 Administrative or Civil Penalty Imposition and Appeal Procedures

The Pretreatment Coordinator or the designated official is hereby authorized to set the amount of the fine or penalty up to the legal limits set forth plus actual damages incurred by the Township per violation per day as the violation continues. The PC may add the costs of preparing administrative remedies to the fine amount. The fine or penalty fee must be received by the Township within 30 days of notification. The Township will establish a restricted account for the deposition of any civil penalties collected.

If payment is not received within this time period, the Township may, in addition to enacting other enforcement actions under this ordinance, assess an additional penalty of 15% of the unpaid balance. The PC may also file suit against the user for the amount of the fee if deemed necessary. Unpaid charges, fines, and penalties shall constitute a lien against an individual user's property.

Users desiring to dispute such fines or penalties must file a written request, along with full payment of the fine amount, for the Pretreatment Coordinator to reconsider the fine, within ten (10) days of being notified of the fine or penalty. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty. Where the Pretreatment Coordinator believes a request has merit, the PC may convene a hearing on the matter within fifteen (15) days of receiving the request from the user. The hearing will be held after proper public notification of the time and date of the hearing. In the event the user's appeal is successful, the fine or penalty amount may be returned to the user.

6.5 Supplemental Enforcement Responses

6.5.1 Water Service Termination

Whenever any user has violated or continues to violate the provisions of this ordinance or an order or permit issued hereunder, water service to the user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

6.5.2 Performance Bonds and Liability Insurance

The Pretreatment Coordinator may decline to reissue a permit to any industrial user which has failed to comply with the provisions of this ordinance or any order or previous permit issued hereunder, unless the industrial user first submits proof that it has obtained financial assurances sufficient to restore or repair POTW damage caused by its discharge.

ARTICLE 7 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

7.1 Treatment Upsets

For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical Standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

An upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Standards if the requirements below are met. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- a. An upset occurred and the user can identify the cause(s) of the upset;
- b. The facility was at the time being operated in a prudent and professional manner and in compliance with applicable operation and maintenance procedures;
- c. The user has submitted the following information to the Pretreatment Coordinator within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):
 1. A description of the indirect discharge and cause of noncompliance;
 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof. A user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Standards.

The user shall control production of all discharges to the extent necessary to maintain compliance with Categorical Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

7.2 Treatment Bypasses

Bypass means the intentional diversion of wastestreams from any portion of an industrial user’s treatment facility.

A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the conditions contained in this section.

If a user knows in advance of the need for a bypass, it shall submit prior notice to the pretreatment coordinator, if possible at least ten days before the date of the bypass.

A user shall submit oral notice of an unanticipated bypass that exceeds applicable pretreatment standards to the PC within 24 hours from the time the industrial user becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the industrial user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

Bypass is prohibited, and the Township may take enforcement action against a user, unless all of the following conditions are met:

- a. The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage, which is defined as substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production;
- b. There is no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater, 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 preventative maintenance; and

- c. The user properly notifies the Pretreatment Coordinator as described in this section.

The Township may approve an anticipated bypass, after considering its adverse effects, if the Township determines that it will meet the three conditions listed above.

ARTICLE 8 PUBLIC PARTICIPATION

8.1 Public Notification of Significant Noncompliance

The Pretreatment Coordinator shall publish at least annually in the local newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW a list of the users which were in Significant Noncompliance (SNC) with applicable pretreatment standards or requirements at any time during the previous twelve (12) months. The notification also shall summarize any enforcement actions taken by the Township against the users during the same twelve (12) months. For the purposes of this provision, a Significant Industrial User is in SNC (or any other Industrial User that violates paragraphs (c), (d) or (h) of this subsection) if its violation meets one or more of the following criteria:

- a. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 404.3(l) and Section 1.3 of this ordinance;
- b. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all the measurements taken for each pollutant parameter during a 6 month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) and Section 1.3 of this ordinance, multiplied by the applicable criteria (1.4 for BOD5, TSS, oil & grease; and 1.2 for all other pollutants except pH);
- c. Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) and Section 1.3 of this ordinance (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Township determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- d. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Township's exercise of its emergency authority under 40 CFR § 403.8 (f)(1)(vi)(B) to halt or prevent such a discharge;
- e. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- f. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report noncompliance; or

- h. Any other violation(s), which may include a violation of Best Management Practices, which the Township determines will adversely affect the operation or implementation of the Township's pretreatment program.

8.2 Access to Data

8.2.1 Government Access

All records shall be made available immediately upon written request to the EPA for uses related to this ordinance, the NPDES Permit, Sewage Sludge Application Permit, and/or the pretreatment program, provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report.

8.2.2 Public Access

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the PC's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Pretreatment Coordinator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public. Wastewater constituents and characteristics and other discharge data will not be recognized as confidential information and will be available to the public without restriction.

ARTICLE 9 INDUSTRIAL PRETREATMENT PROGRAM FEES

It is the purpose of this Section to provide for the recovery of costs from users of the Township's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth by resolution of the Board of Commissioners. The Township may adopt industrial user charges and fees, which may include:

- a. Fees for reimbursement of costs for setting up and operating the Township's pretreatment program.
- b. Fees for sampling, monitoring, inspections, and surveillance procedures.
- c. Fees for reviewing spill response procedures and construction.
- d. Fees for permit applications.
- e. Fees for filing appeals.
- f. Fees for consistent removal by the Township's POTW of pollutants over and above the limitations specified herein and/or pollutants otherwise subject to National Categorical Pretreatment Standards.
- g. Other fees the Township 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 chargeable by the Township.

ARTICLE 10 SEVERABILITY

If any provision, paragraph, word, section, or article of this ordinance is invalidated by any court of competent jurisdiction the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

ARTICLE 11 CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this ordinance are hereby repealed to the extent of such inconsistency or conflict.

ARTICLE 12 TOWNSHIP’S RIGHTS TO PROMULGATE RULES AND REGULATIONS

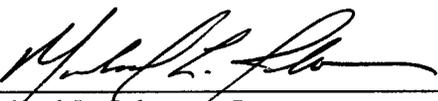
The Township reserves the right to, and may, from time to time, revise, amend or readopt these rules and regulations as it deems necessary and proper for the use and operation of the sewer system.

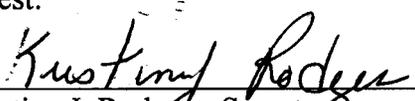
ARTICLE 13 EFFECTIVE DATE

This ordinance shall become effective immediately.

ENACTED and ORDAINED this 18th day of February, 2008.

Board of Commissioners of Penn Township

By: 
Michael L. Johnson, Jr.

Attest:

Kristina J. Rodgers, Secretary