

EAST NORRITON TOWNSHIP
SEWER USE ORDINANCE

ORDINANCE NO. 214

AN ORDINANCE OF EAST NORRITON TOWNSHIP SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE EAST NORRITON TOWNSHIP WASTEWATER COLLECTION SYSTEM, TO EFFECT COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAWS CONCERNING DISCHARGES OF WASTEWATER AND POLLUTANTS INTO THE SEWER SYSTEM, AND PROVIDING FOR PENALTIES FOR VIOLATION.

1.0 GENERAL PROVISIONS

1.1 Purpose and Policy

This ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection system of the East Norriton Township to effect compliance with applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this ordinance are:

- a. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge at the POTWs serving the Township.
- b. To prevent the introduction of pollutants into the municipal wastewater system which will be inadequately treated and thus pass through the system into receiving waters or the atmosphere or otherwise be incompatible with the system.
- c. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- d. To provide for equitable distribution of the cost for the implementation of the Authority's Municipal Industrial Pretreatment Program.

This ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic Users and through enforcement of general requirements for the other Users; authorizes monitoring 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.

(Revision 2/5/85)

This ordinance shall apply to the Township of East Norriton and to persons outside the Township who are Users or Significant Users of the Township collection system. Except as otherwise provided herein, the East Norriton Township plumbing inspector shall administer, implement, and enforce the provisions of this ordinance.

Nothing contained in this ordinance shall be construed as preventing any special agreement or arrangement between the Township and any Significant Users within or out of the Township, whereby a waste of unusual strength or character may be accepted by the Township by special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Township.

1.2 Definitions

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

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority. The Director in an NPDES state with an approved State Pretreatment Program, and the Administrator of the EPA in a non-NPDES state, or NPDES state without an Approved State Pretreatment Program.
3. Authorized Representative of Significant User. An authorized representative of a Significant User may be: 1) a principal executive officer of at least the level of vice president, if the Significant User is a corporation; 2) a general partner or proprietor if the Significant User is a partnership or proprietorship, respectively; 3) a duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
4. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C, expressed in terms of weight and concentration (milligrams per liter (mg/l)).
5. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
6. Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standards.

7. Control Authority. The term "control authority" shall refer to the "Approval Authority," as defined hereinabove; or the plumbing inspector if the Township has an approved pretreatment program under the provisions of 40 CFR 403.11.
8. Cooling Water. The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
9. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
10. EDU. Equivalent Domestic Unit with the following wastewater characteristics:

Flow	250 gpd
Ammonia - Nitrogen	25 mg/l as N
BOD	250 mg/l
Phosphate	10 mg/l as P
Suspended solids	250 mg/l
TKN	40 mg/l as N
11. Environmental Protection Agency (EPA). The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
12. 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 without consideration of time.
13. Holding Tank Waste. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
14. Indirect Discharge. The discharge or the introduction of pollutants into the collection system, including holding tank waste discharged into the system.
15. Industrial User. An industrial source of indirect discharge.
16. Interference. The inhibition or disruption of the POTW Treatment processes or operations which contributes to a violation of any requirement of the receiving treatment facility's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the receiving treatment facility in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean

Air Act, the Toxic Substances Control Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the receiving treatment facility.

17. National Categorical Pretreatment Standard or Pretreatment Standard. 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. 1347), which applies to a specific industry.
18. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
19. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR Section 403.5.
20. New Source. Any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (33 U.S.C. 1317) Categorical Pretreatment Standard which will be applicable to such sources, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.
21. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, this singular shall include the plural where indicated by the context.
22. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
23. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
24. Pollution. The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

25. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
26. Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes other means, except as prohibited by 40 CFR Section 403.6(d).
27. Pretreatment Standard. Any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on a Significant User.
28. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to a POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.
29. Shall is mandatory; May is permissive.
30. Significant User. Any non-residential User of the Township's wastewater collection system who, 1) has a discharge flow of 25,000 gallons or more per average work day; or 2) has a flow greater than 5 percent of the flow in the Township's wastewater collection system; or 3) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Pennsylvania Statutes and rules; or 4) is found by the Township, Pennsylvania Department of Environmental Resources (PADER), or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other contributing Significant Users on the wastewater collection system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
31. Significant User Permit. As set forth in Section 4.3 of this ordinance.
32. Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1972.
33. State. Commonwealth of Pennsylvania.

34. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
35. Suspended Solids. 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.
36. Township. East Norriton Township.
37. Township Authority. The East Norriton Township Municipal Authority.
38. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of CWA 307(a) or other acts.
39. User. Any person who contributes, causes, or permits the contribution of wastewater into the collection system.
40. Wastewater. The liquid and water-carried industrial or domestic wastes from 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 is contributed into or permitted to enter the collection system.
41. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

- BOD Biochemical Oxygen Demand
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- EPA Environmental Protection Agency
- l Liter
- mg Milligrams
- mg/l Milligrams per liter
- NPDES National Pollutant Discharge Elimination System
- POTW Publicly Owned Treatment Works
- SIC Standard Industrial Classification
- SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- USC United States Code
- TSS Total suspended solids

2.0 REGULATIONS

2.1 General

No User or Significant User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW, whether or not the User is subject to National Categorical Pretreatment Standards or any other national, state, or local pretreatment standards or requirements. A User or Significant User may not contribute the following substances to any 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. At no time shall two 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, hydrides, sulfides, and any other substance which the Township, the State, or the EPA has notified the User is a fire hazard or a hazard to the system.
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to grease, garbage with particles greater than one-half-inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent 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.
- c. Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW,

or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

- e. 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 and repair.
- f. 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 and 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; 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.
- g. Any substance which will cause the POTW to violate its NPDES Permit or the receiving water quality standards.
- h. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to dye wastes and vegetable tanning solutions.
- i. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW's which exceeds 40°C (104°F), unless the POTW treatment plant is designed to accommodate such temperature.
- j. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which cause interference to the POTW. In no case shall a sludge load have a flow rate or contain concentration 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.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the superintendent in compliance with applicable State or federal regulations.

- l. Any wastewater which causes a hazard to human life or creates a public nuisance.
- m. Stormwater, groundwater, roof runoff, subsurface drainage, or cooling water.

When the plumbing inspector determines that a User or Significant User is contributing to the POTW any of the above enumerated substances in such amounts as interfere with the operation of the POTW, the plumbing inspector shall advise the User of the impact of the contribution on the POTW, and develop effluent limitations for such User to correct the interference with the POTW.

2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, the Township shall be responsible to notify all affected Users or Significant Users of the applicable reporting requirements under 40 CFR Section 402.12. Each User or Significant User shall be responsible to notify the Township of changes to their status under the Federal, State, or local regulations.

2.3 Modification of Federal Categorical Pretreatment Standards

Where the Township's wastewater collection system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Township may apply to the approval authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater collection system to a less toxic or harmless state in the effluent which is achieved by the system in 95 percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Township may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior approval from the approval authority is obtained.

2.4 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of:

<u>Parameter</u>	<u>Max. Conc. from Industrial Connections to POTW (mg/l)</u>
Antimony	5.0
Arsenic	0.1
Barium	4.0
Boron	1.0
Cadmium	0.05
Chromium (hexavalent)	0.1
Chromium (total)	2.0
Copper	1.0
Cyanide	0.2
Iron	5.0
Lead	0.1
Manganese	1.0
Mercury	0.01
Nickel	1.0
Phenol	0.5
Selenium	0.04
Silver	0.1
Tin	3.0
Vanadium	3.0
Zinc	4.0
Total Halogenated Organics	5.0
Toxic Pollutants listed in Section 307, Clean Water Act	5.0 for any parameter 30.0 total for all toxic parameters on list

All wastewater entering the Borough Authority's collection system shall be pretreated to normal domestic levels unless otherwise stated in writing by the Borough Authority by way of the Significant User Permit. These levels shall be:

BOD	- 250 mg/l
Suspended Solids	- 250 mg/l
Ammonia Nitrogen	- 25 mg/l as N
TKN	- 25 mg/l as N

Where any Significant User requires greater than five percent (5%) of the POTW treatment plant's capacity on an average daily mass basis, more stringent limitations may be imposed.

2.5 State Requirements

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

2.6 Township's Right of Revision

The Township reserves the right to establish by Ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance.

2.7 Excessive Discharge

No User or Significant 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 Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the Township, State, or Federal agencies.

2.8 Accidental Discharge

Each Significant User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the User's or Significant User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review, and shall be approved by the Township before construction of the facility. All existing Significant Users shall complete such a plan prior to the issuance of a permit. No Significant User who commences contribution to the POTW after the effective date of this ordinance shall be permitted to introduce pollutants into the system until the accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the Significant User from the responsibility to modify its facility, as necessary, to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the Significant User to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2.9 Written Report

Within five (5) days following an accidental discharge, the Significant User shall submit to the plumbing supervisor and to the applicable POTW a detailed written report describing the cause of the discharge and the measures to be taken to mitigate 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 damage to person or property. Such report shall not relieve the Significant User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

2.10 Notice to Employees

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

3.0 FEES

3.1 Purpose

It is the purpose of this section to provide for the recovery of costs from Users and Significant Users of the Township's wastewater collection system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Township's Schedule of Charges and Fees.

3.2 Charges and Fees

The Township may adopt charges and fees which may include:

- a. Fees for reimbursement of costs of setting up and operating the Township's pretreatment program
- b. Fees for monitoring, inspections, and surveillance procedures
- c. Fees for reviewing accidental discharge procedures and construction
- d. Fees for permit applications
- e. Fees for filing appeals
- f. Fees for consistent removal by the Township of pollutants otherwise subject to federal 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.

4.0 ADMINISTRATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge to any sanitary sewer within the Township, or in any area under the jurisdiction of said Township, or to the POTW any wastewater, except as authorized in writing by the Township in accordance with the provisions of this ordinance.

4.2 User Connection Permit

4.2.1 All Users proposing to connect to and contribute to the POTW shall obtain a User connection permit before connecting to or contributing to the POTW.

4.2.2 The Township shall require a User of sewer services to provide information needed to determine compliance with this ordinance or other applicable local, state, or federal laws, rules, or regulations. These requirements may include:

1. Wastewater discharge peak rate and volume records over a specified time period.
2. Information on raw materials, processes, and products affecting wastewater volume and quality.
3. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
4. A plot plan of sewers on the User's property showing sewer facility locations and all proposed sewer connections to these facilities.
5. Details of systems to prevent and control storm water from entering municipal sewers.
6. Payment of all costs incurred for the information described in Section 4 shall be paid by the User of the sewer services in addition to other charges and sewer rentals.

4.2.3 All measurements, tests, and analyses of the characteristics of waters and wastewaters to which reference is made in this ordinance shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the American Public Health Association. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis, subject to approval by the plumbing inspector and/or the Township.

4.2.4 The User shall be responsible for submitting all applicable county, regional, state, or federal permits or planning documents required for approval of sewer connection.

4.3 Significant Users

4.3.1 Contracts

All Significant Users proposing to connect to or contribute to the POTW shall obtain a Significant User Permit before connecting to or contributing to the POTW. All existing Significant Users connected to or contributing to the POTW shall apply for a Significant User permit within 90 days after the effective date of this Ordinance.

Where a User becomes subject to a new National Categorical Pretreatment Standard, but has not previously submitted an application for a Significant User permit as required by 4.2.2, the User shall apply for a Significant User permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

4.3.2 Permit Application

A Significant User required to obtain a Significant User permit, shall complete and file with the Township an application in the form prescribed by the Township and be accompanied by the required fee. In support of the application, the Significant User shall submit in units and terms appropriate for evaluation the following information:

- a. Name, address, and location (if different from the address).
- b. SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget 1972, as amended.
- c. Wastewater constituents and characteristics, including but not limited to those mentioned in Section 2 of this Ordinance, as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR, Part 136, as amended.
- d. Time and duration of contribution.
- e. Average daily and 3-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any.
- f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.

- g. Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
- h. The nature and concentration of any pollutants in the discharge which are limited by any Township, State, or federal 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 Significant User to meet applicable pretreatment standards.
- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the Significant User will provide such additional pretreatment. The completion data in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

- 1. 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 use 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.).
 - 2. No increment referred to in paragraph (1) shall exceed nine months.
 - 3. No later than 14 days following each date in the schedule and the final date for compliance, the Significant User shall submit a progress report to the Township, 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 Significant User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Township.
- j. Each product produced by type, amount, process, or processes, and rate of production.

- k. Type and amount of raw materials processed (average and maximum per day).
- l. Number and type of employees, and hours of operation of plant, and proposed or actual hours of operation of pre-treatment system.
- m. Any other information as may be deemed by the Township to be necessary to evaluate the permit application.

The Township will evaluate the data furnished by the Significant User and may require additional information. After evaluation and acceptance of the data furnished, the Township will issue a Significant User Permit subject to terms and conditions provided herein.

4.3.3 Permit Modifications

Upon the promulgation of a National Categorical Pretreatment Standard, the Significant User Permit of Significant Users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard.

4.3.4 Permit Conditions

Significant User Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the Township by way of separate resolutions. The permit may contain the following:

- a. The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer.
- b. Limits on the average and maximum wastewater constituents and characteristics.
- c. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- d. Requirements for installation and maintenance of inspection and sampling facilities.
- e. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.
- f. Compliance schedules
- g. Requirements for submission of technical reports or discharge reports (see Section 4.4).

- h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the Township and affording the Township access thereto.
- i. Requirements for notification of the Township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater collection system.
- j. Requirements for notification of sludge discharges as per Section 5.2.
- k. Accidental discharge.
- l. Other conditions as deemed necessary by the Township to ensure compliance with this Ordinance.

4.3.5 Permit Duration

Permits shall be issued for a specified time period, not to exceed five years. The Significant User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the Significant User's existing permit. The terms and conditions of the permit may be subject to modification by the Township during the term of the permit, as limitations or requirements as identified in Section 2 are modified or other just cause exists. The Significant User shall be informed of any proposed changes in his permit at least 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.

4.3.6 Permit Transfer

Significant User Permits are issued to a specific Significant User for a specific operation. A Significant User Permit shall not be reassigned or transferred or sold to a new owner, new Significant User, different premises, or a new or changed operation without the written approval of the Township. Any succeeding owner shall also comply with the terms and conditions of the existing permit.

4.3.7 Reporting Requirements in Permits

4.3.7.1 Compliance Date Report

Within 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 Significant User subject to pretreatment standards and requirements shall submit to the Township 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. 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 Significant User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Significant User and certified by a licensed professional engineer.

4.3.7.2 Periodic Compliance Reports

1. Any Significant User shall submit to the Township during the months of June and December, unless required more frequently by the Township, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the permit. At the discretion of the Township and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.
2. The Township may impose mass limitations on Significant Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the Significant 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 of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136 and amendments thereto, or with any other approved test procedures. Sampling shall be performed in accordance with the approved techniques.

4.3.8 Monitoring Facilities

The Township shall inspect the facilities of any Significant User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination, or in the performance of any of their duties. The Township and the EPA shall have the right to set up on the Significant User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a Significant User has security measures in force which would require proper identification and

clearance before entry into their premises, the Significant User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

4.4 Pretreatment

Users and Significant Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal 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 Township for review, and shall be acceptable to the Township 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 or Significant User's initiation of the changes.

The Township shall annually publish in a newspaper of general circulation a list of the Users and Significant Users not in compliance with any pretreatment requirements or standards at least once during the previous 12 months. The notification also shall summarize any enforcement actions taken against the Users and Significant Users during the same 12 months. Reference: 40 CFR 403.8(f)(2)(VII).

All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

4.5 Confidential Information

Information and data on a User or Significant User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agency without restriction unless the User or Significant User specifically requests and is able to demonstrate to the satisfaction of the Township, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets of the User or Significant User.

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal Permit, and/or the pretreatment programs

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. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by the Township as confidential shall not be transmitted to any governmental agency or to the general public by the Township until and unless a 10 day notification is given to the User or Significant User.

5.0 ENFORCEMENT

5.1 Notification of Violation

Whenever the Township finds that any User or Significant User has violated or is violating this Ordinance, the Permit or Significant User Permit, or any prohibition, limitation of requirements contained herein, the Township may serve upon such person a written notice, stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township by the User or Significant User.

5.2 Harmful Contributions

The Township may suspend a user permit or a Significant User Permit when such suspension is necessary in the opinion of the Township in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW, or causes the Township to violate any condition of its NPDES permit.

Any person notified of a suspension of a permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Township shall take steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township shall reinstate the Permit upon proof of the elimination of the noncomplying discharge by User or Significant User, payment of any damages, fines, penalties or costs associated with the discharge, and the submission of a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.

5.3 Revocation of Permit

Any User or Significant User is subject to revocation of a permit granted hereunder for violation of applicable state and federal regulations, or by reason of the commission of any of the following acts:

- a. Failure to report factually on discharge wastewater constituents and characteristics.
- b. Failure to report significant changes in operations or wastewater constituents and characteristics.
- c. Refusal to permit reasonable access to the premises for inspection and monitoring.
- d. Violation of the conditions of the permit.

5.4 Appeal

5.4.1 A User, upon receipt of notification of suspension or revocation of a user permit or significant user permit, may appeal the decision in writing to the East Norriton Township Sewer Authority with a statement of reasons therefor within ten (10) days of the notice.

5.4.2 Notice of Hearing

Thereafter, upon notice in writing given to the permit holder or any agent or officer thereof at least five (5) days prior to the time fixed therefor, Township shall convene and conduct a hearing on the propriety or lack thereof of the notice of suspension or revocation. The cost of the stenographic transcript of such a proceeding shall be borne by the Appellant who shall pay a filing fee of Three Hundred (\$300.00) Dollars.

5.4.3 Method of Decision

The findings and determinations of the Township shall be in writing and shall be mailed to the owner or to his duly-authorized representative within forty-eight (48) hours of the hearing, with a certified copy thereof to be filed with the Township Official who originally served the notice of suspension or revocation, which determination shall be binding both upon the Township Official and all parties in interest.

5.4.4 Action Following Appeal Decision

If the decision of the Township sustains the notice of suspension or revocation of permit, the user shall be given ten (10) days' notice of the new date of suspension or revocation by the Township Official.

5.5 Legal Action

If any person discharges sewage, industrial wastes, or other wastes into the Township's wastewater collection system contrary to the provisions of this Ordinance, federal or State pretreatment requirements, or any order of the Township, the Township solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Montgomery County.

6.0 PENALTY COSTS

6.1 Prosecution and Fines

Any User or Significant User alleged to have violated an order of the Township or to have wilfully or negligently failed to comply with any provision of this Ordinance or the orders, rules, regulations and permits issued hereunder shall be prosecuted before a District Justice and, upon conviction thereof, shall be subject to a fine of not less than One Hundred (\$100.00) Dollars nor more than Three Hundred (\$300.00) Dollars for each offense. Each day on which a violation shall occur or continue to occur shall be deemed to be a separate and distinct offense.

6.2 Civil Remedies

In addition to prosecution before a District Justice as set forth in Section 6.1 hereof, the Township may recover civil penalties, damages, costs, reasonable attorneys' fees, Court costs, and costs of court reporters' transcripts, as well as other expenses of litigation made necessary as the result of violations of this Ordinance or the orders, rules, regulations, and permits issued hereunder, to be recovered in an action at law instituted by the Township against the user or significant user alleged to have been responsible therefor.

6.3 Falsifying Information

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or Wastewater Contribution permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall be punished as provided by law.

7.0 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.

8.0 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.

9.0 EFFECTIVE DATE

This Ordinance shall become effective on the 31st day following enactment

ADOPTED this 20th day of May, 1985, by the Board of Supervisors
of the Township of East Norriton.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP

By: _____

John BeLaudy
Chairman

ATTEST: _____

Henry J. Baczewski
Secretary