

ORDINANCE NO. 530

EAST NORRITON TOWNSHIP

MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP, SPECIFICALLY CHAPTER 162, SEWERS, PROVIDING FOR UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTIONS INTO THE WASTEWATER COLLECTION SYSTEM, TO EFFECT COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAWS CONCERNING DISCHARGES OF WASTEWATER AND POLLUTANTS INTO THE SEWER SYSTEM PROVIDING FOR WASTEWATER DISCHARGE PERMITS, AND PROVIDING FOR PENALTIES FOR VIOLATION OF PROVISIONS OF THE ORDINANCE.

BY THE BOARD OF SUPERVISORS OF EAST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA UNDER AND BY VIRTUE OF AUTHORITY GRANTED BY THE SECOND CLASS TOWNSHIP CODE DOES HEREBY ENACT AND ORDAIN:

SECTION I.

The Code of East Norriton Township, Chapter 162, Sewers, is hereby amended to add the following:

**ARTICLE V
Wastewater Collection System**

§ 162-46. Purpose; objectives.

- A. This Ordinance sets uniform requirements for direct and indirect contributors from East Norriton Township (“Township”) into the wastewater collection system of the East Norriton-Plymouth-Whitpain Joint Sewer Authority (“Joint Sewer Authority”) and enables the Joint Sewer Authority to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403, as amended).
- B. The objectives of this Ordinance are:
- (1) To prevent the introduction of pollutants into the Joint Sewer Authority’s wastewater collection system (“POTW”) which will interfere with the operation of the system or contaminate the resulting sludge at the POTW servicing the Township.
 - (2) To prevent the introduction of pollutants into the POTW which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.

- (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- (4) To provide for equitable distribution of the cost of operating the wastewater collection system.
- (5) To protect the general public, and treatment works personnel who may be affected by wastewater and sludge in the course of their employment.
- (6) To enable the Joint Sewer Authority to comply with its National Pollution Discharge Elimination System (“NPDES”) permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and, to empower the POTW to enforce penalties against violators as required by its Enforcement Response Guide and by Federal and State law.

C. This Ordinance provides for the regulations of direct and indirect contributors to the POTW through the issuance of permits to certain non-domestic 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.

§ 162-47. Applicability; administrative officer.

This Ordinance shall apply to the persons in the Township and to persons outside the Township who are Users or Significant Users of the Township’s collection systems and the POTW. Except as otherwise provided herein, the Joint Sewer Authority, with notification to the Township, shall administer, implement, and enforce the provisions of this Ordinance.

§ 162-48. Definitions; abbreviations; word usage.

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

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.

APPROVAL AUTHORITY - The Regional Administrator of EPA, Region III.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR SIGNIFICANT INDUSTRIAL USER -

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president 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 operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge requirements; and where 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 sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs (1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Joint Sewer Authority.

BEST MANAGEMENT PRACTICES (BMPS) - Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 162-49 A and B. BMPs 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. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.

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 degrees centigrade, expressed in terms of weight and concentration (milligrams per liter (mg/L)).

BUILDING SEWER - A sewer conveying wastewater from the premises of a User to the POTW.

CATEGORICAL STANDARDS or CATEGORICAL PRETREATMENT STANDARDS - Any regulation, heretofore or hereafter adopted by the United States Environmental Protection Agency, containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CONVENTIONAL POLLUTANT - A water pollutant that is amenable to treatment by a municipal wastewater treatment plant. These pollutants consist of, but are not limited to, Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS), Oil and Grease, pH, Ammonia and Phosphorous.

COOLING WATER - The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DAILY MAXIMUM - The arithmetic average of all effluent samples for a pollutant collected during a calendar day or 24-hour period.

DAILY MAXIMUM LIMIT - The maximum allowable discharge limit of a pollutant during a calendar day or 24-hour period. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DIRECT DISCHARGE - The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

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.

EXISTING SOURCE - Any source of discharge that is not a "New Source."

GRAB SAMPLE - A grab sample is an individual sample which is taken from a wastestream on a one-time basis without regard to the flow in the wastestream. These samples must be collected over a period of time not exceeding 15 minutes. A grab sample shows the wastestream characteristics at the time the sample is taken.

INDIRECT DISCHARGE OR DISCHARGE - The discharge or the introduction of pollutants into the collection system from any nondomestic source.

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER - An industrial, commercial or institutional source of indirect discharge.

INSTANTANEOUS 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 the duration of the sampling event.

INDUSTRIAL WASTE - Shall have the meaning ascribed to it in the Act of June 22, 1937 (P.L. 1987, No. 394) known as the Clean Stream Law and the regulations adopted thereunder.

INTERFERENCE - A discharge, that alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge

processes, use or disposal; and therefore, is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LOCAL LIMIT - Specific discharge limits developed and enforced by the Joint Sewer Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) or Section 162-49 A and B of this Ordinance.

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.

MONTHLY AVERAGE - The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

MONTHLY AVERAGE LIMIT - The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

NATIONAL PROHIBITED DISCHARGE STANDARDS - Any regulation developed under the authority of 307(b) of the Act and contained in 40 CFR Section 403.5(a) and (b).

NEW SOURCE -

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced 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 process 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 a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of 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
 - [1] if any placement, assembly, or installation of facilities or equipment; or
 - [2] significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the 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.

NON-CONTACT COOLING WATER - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

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 POTW's NPDES permit, including an increase in the magnitude or duration of violation.

PERSON - Any individual, partnership, co-partnership, 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, the singular shall include the plural where indicated by the context.

pH - A measure of the acidity or alkalinity of a solution, expressed in standard units.

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, municipal, agricultural, and industrial wastes, and

certain characteristics of wastewater (e.g., temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

PRETREATMENT - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

PRETREATMENT REQUIREMENTS - Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

PRETREATMENT STANDARDS OR STANDARDS - Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 162-49 of this Ordinance.

PUBLICLY OWNED TREATMENT WORKS (POTW) - A "treatment works", as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Joint Sewer Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to the treatment plant.

SEPTIC TANK WASTE - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE - Human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER -

- (1) Except as provided in paragraphs (2) and (3) of this definition,
 - (a) All Industrial Users subject to categorical Pretreatment Standards; or
 - (b) Any other Industrial User that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contract cooling and boiler blow down wastewater); contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Joint Sewer Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement (in accordance with 40 CFR 403.8(f)(6)).

- (2) The Joint Sewer Authority may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 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 discharged more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blow down wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - (a) The Industrial User, prior to the Joint Sewer 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 40 CFR 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.
- (3) Upon a finding that an Industrial User meeting the criteria in paragraph (1)(b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the Joint Sewer Authority may at any time, on its own initiative or in response to a petition received from an Industrial User or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

SIGNIFICANT NONCOMPLIANCE - An Industrial User is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(viii). For purposes of this definition, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter taken during a six-month (6) period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 162-48;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 162-48 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 162-48 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Joint Sewer Authority 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 Joint Sewer Authority's exercise of its emergency authority under of this Ordinance to halt or prevent such a discharge;
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in this Ordinance, a wastewater discharge permit or in an enforcement order.
- (6) Failure to provide, within forty five (45) days after the due date, required reports such as 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 non-compliance;
- (8) Any other violation or group of violations that may include a violation of BMPs, which the Joint Sewer Authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD or SLUG DISCHARGE - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 162-49 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Joint Sewer Authority's and/or POTW's regulations, Local Limits or Permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) - A Classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STATE - Commonwealth of Pennsylvania.

STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT - The person designated by the POTW to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance, or a duly authorized representative.

TOTAL SUSPENDED SOLIDS OR SUSPENDED SOLIDS - The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

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.

USER or INDUSTRIAL USER - A source of indirect discharge.

WASTEWATER - Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing 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 POTW.

B. Abbreviations. The following abbreviations shall have the designated meanings:

BMP	Best Management Practice
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

§ 162-49. Prohibited discharge standards.

A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutants or wastewater which causes Pass-Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State or local Pretreatment Standards or Requirements.

B. Specific Prohibitions. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any

dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil), mud, glass grinding, or polishing wastes;

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than 120 degrees F (49 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) 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;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 162-50 D of this Ordinance;
- (9) Noxious or malodorous liquids (including automobile antifreeze), gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) 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 imparts color to the treatment plant's effluent, thereby violating the POTW's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations and the requirements of the Joint Sewer Authority;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Joint Sewer Authority;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

- (14) Medical wastes, except as specifically authorized by the POTW in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test or causing non-compliance with sludge disposal requirements;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%);
- (19) Any toxic or hazardous waste if otherwise disposed of would be considered hazardous or toxic waste as defined in the Act or in RCRA.

C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

§ 162-49.1. Categorical pretreatment standards.

The categorical Pretreatment Standards now found or hereafter found at 40 CFR Chapter I, Subchapter N Parts 405-471, are hereby incorporated in this article by reference as though set forth in full and shall apply to Users, including categorical Industrial Users, pursuant to the definitions set forth in this Ordinance and as set forth in the Ordinance.

- A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Joint Sewer Authority may impose equivalent concentration or mass limits in accordance with Section 162-49.1 E and F.
- B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.
- C. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Joint Sewer Authority shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- D. A User may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section:

(1) 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 Joint Sewer Authority. 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 paragraph (2) of this Section are met.

(2) Criteria.

- a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.
- b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the general measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
- c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.
- d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Joint Sewer Authority may waive this requirement if it finds that no environmental degradation will result.

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Joint Sewer Authority convert the limits to equivalent mass limits with the exception of categorical concentration based limits for pollutants such as pH, temperature, radiation, or any other pollutants for which mass limits are not appropriate. The determination to convert concentration limits to mass limits is within the discretion of the Joint Sewer Authority. The Joint Sewer Authority may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 162-49.1 E(1)(a) through 162-49.1 (1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

- a. 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;
- b. 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;
- c. 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;

- d. 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
- e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
- b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- c. Continue to record the facility's production rates and notify the Joint Sewer Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph E(1)(c) of this Section. Upon notification of a revised production rate, the Joint Sewer Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph E(1)(a) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Joint Sewer Authority:

- a. 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;
- b. 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
- c. May retain the same equivalent mass limit in subsequent 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 162-49.5. The Industrial User must also be in compliance with Section 162-59 C regarding the prohibition of bypass.

F. The Joint Sewer Authority may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits of the categorical Pretreatment Standards for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Joint Sewer Authority. The Authority shall not convert such limits to concentration limits unless it first documents that dilution is not being substituted for treatment as prohibited by Section 162-49.5.

- G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in accordance with Section 162-49.1 in lieu of the promulgated categorical Standards from which the equivalent limitations were derived.
- H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.
- I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Joint Sewer Authority within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Joint Sewer Authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate.
- J. A User may obtain a variance from a categorical Pretreatment Standard from EPA 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.

§ 162-49.2. State pretreatment standards.

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.

§ 162-49.3. Local limits.

- A. The Joint Sewer Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against Pass through and Interference. No person shall discharge wastewater containing in excess of the following Daily Maximum Limit:

<u>TOXIC POLLUTANTS</u>	<u>mg/L</u>
Arsenic	1.165
Cadmium	0.107
Chromium (Total)	0.260
Copper	5.558
Cyanide	2.328
Lead	0.969
Mercury	0.008
Molybdenum	0.418
Nickel	2.046
Selenium	11.699
Silver	7.098

The above limits apply at the point where the wastewater is discharged to the POTW, which for purposes of this Ordinance includes all points within and throughout the distribution system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Joint Sewer Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

- B. The Joint Sewer Authority reserves the right to establish alternate local limits in Industrial User Discharge Permits, but only in accordance with regulatory requirements. At no time will the summation of the loadings allocated to the Industrial Users through the discharge permits be greater than the allowable industrial headworks loading as determined in the most recent local limits evaluation approved by the Approval Authority.

The Joint Sewer Authority may develop Best Management Practices (BMPs), by ordinance, resolution or in wastewater discharge permits to implement Local Limits and the requirements of Section 162.49. If a BMP is used in place of an approved local limit or prohibition (rather than in addition to an approved limit or prohibition), the BMP would need to be approved by EPA prior to implementation. Authorizing use of a BMP for compliance with one or more of the prohibitions included in 40 CFR 403.5 does not relieve the user of the responsibility of complying with the prohibition(s).

§ 162-49.4. Township's right of revision.

The Township reserves the right to establish, by Ordinance, more stringent standards or requirements on discharges to the POTW.

§ 162-49.5. Dilution.

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 a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Joint Sewer Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

§ 162-49.6. Accidental discharges.

Each 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 owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Joint Sewer Authority for review, and shall be approved by the Joint Sewer Authority before construction of the facility. No user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Joint Sewer Authority. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the