

East Norriton Township

Ordinance No. 285

East Norriton Township

Montgomery County, Pennsylvania

AN ORDINANCE AMENDING THE CODE OF EAST NORRITON TOWNSHIP, SPECIFICALLY, CHAPTER 162, ENTITLED SEWERS BY MAKING CERTAIN CHANGES TO THE TEXT OF THE CODE AS SET FORTH IN THE BODY OF THIS ORDINANCE.

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 1.

The Code of East Norriton Township Chapter 162 entitled Sewers is hereby amended as follows:

Amend Section 162-48 by adding the following thereto:

Notwithstanding, anything hereinabove to the contrary, categorical pretreatment standards may not be waived in establishing these special agreements.

Amend Section 162-49 by deleting the definitions of "Authorized Representative of Industrial User", "EDU", "Indirect Discharge", "Interference", "National Categorical Pretreatment Standard or Pretreatment Standard", "New Source", and "Person" and adding the new definitions as follows:

Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: 1) a principal executive officer of at least the level of vice president, if the Industrial User is a corporation; 2) a general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; 3) a duly authorized official or representative if the Industrial User is a governmental entity 4) 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.

Indirect Discharge. The discharge or the introduction of pollutants into the collection system, including holding tank waste discharged into the system. See 40 CFR 403.3(g) and Sections 307(b), (c) and (d) of the Clean Water Act of 1977 (as amended).

Interference. The inhibition or disruption of the POTW treatment processes which contribute 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 Section 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.

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 and in accordance with 40 CFR Chapter I, subchapter N and, 40 CFR Parts 401-471.

New Source. Any source (1) the construction of which is carried out at a site at which no other source is located or (2) the construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source or (3) the production of wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site, [and in any event, 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.]

Person. Any individual, partnership; co-partnership, firm, company, corporation, association, joint stock company, trust, estate, Federal, State and local government entity, any other 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.

The following paragraph shall be added to Section 162-49:

Pass Through. A discharge which exits the POTW into waters of the United States in quantities 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 a violation).

Amend Section 162-50 A.(1) by deleting the last sentence of that Section and substituting the following:

Prohibited materials include, but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, and sulfides.

Section 162-53 A. is amended by deleting that Section and substituting therefore, the following:

A. No person shall discharge wastewater containing in excess of:

<u>Pollutant</u>	<u>Local Limit (mg/l)</u>
Arsenic	1.63
Cadmium	0.58
Chromium, Total	16.68
Chromium, Hexavalent	0.76
Copper	1.93
Cyanide	0.005
Lead	7.43
Mercury	0.001
Nickel	3.31
Silver	0.42
Zinc	8.79

Section 162-53 B. is amended as follows:

The level for TKN of 25 mg/l as N shall be deleted and the following shall be added:

TKN	-	40 mg/l as N.
Phosphorous	-	10 mg/l
Oil and Grease	-	100 mg/l

Section 162-61 C. is hereby deleted and new Section 162-61 C. is added as follows:

Section 162-61 C. All measurements, tests, and analyses of the characteristics of waters and wastewaters to which reference is made in this Ordinance shall be in conformance to the Federal regulations at 40 CFR Part 136. 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.

Section 162-68 B.(1) and (2) shall be amended by adding the following to each of those subparagraphs:

These reports shall be signed by an authorized representative of the Significant User and certified by a licensed professional engineer.

Section 162-68 B. is hereby further amended by adding the new subparagraph (3) as follows:

(3) Record Retention - All records and reports referred to in this Ordinance shall be retained for a period of three years or in the event of unresolved litigation, relevant records and reports shall be retained for a period of three years after a final, unappealable order is entered or a final written settlement is reached.

Section 162-69 is hereby deleted and new Section 162-69 is added as follows:

The Township shall have the authority, pursuant to 40 CFR 403.8(f)(1)(v) to inspect the facilities of any Industrial 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 waste water 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, to conduct independent sampling, record copying and examination, or in the performance of any of their duties.

The Township and the EPA shall have the right to enter upon the Industrial User's property or require the Industrial User to install on their property, such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where an Industrial User has security measures in force which would require proper identification and clearance before entry into their premises, the Industrial 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.

Section 162-71 is amended by deleting subparagraph C. of this Section.

Section 162-78 is hereby deleted and new Section 162-78 is added as follows:

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 or violates any nondischarge regulation of this ordinance, including but not limited to failure to allow inspections, or monitoring

activities or inadequate compliance reporting, the Township Solicitor may commence an action for appropriate legal and/or equitable relief, including injunctive relief in a court of competent jurisdiction.

Section 162-79 is hereby deleted and new Section 162-79 is added as follows:

Prosecution and Fines. Any User or Significant User alleged to have violated an Order of the Township or to have 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 dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) 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.

Section 162-80 is hereby deleted and new Section 162-80 is added as follows:

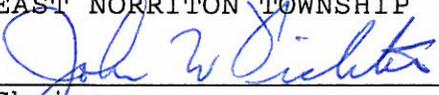
In addition to prosecution before a District Justice as set forth in Section 162-79 hereof, the Township may recover civil penalties up to one thousand dollars (\$1,000.00) per day for each violation, damages, costs, reasonable attorneys' fees, court costs, and costs of court reporters' transcripts, 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.

SECTION 2.

This Ordinance shall in no other way amend or modify the said Sewer Ordinance.

ENACTED AND ORDAINED by the Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania this twenty-sixth day of March , 1990.

BOARD OF SUPERVISORS
EAST NORRITON TOWNSHIP


Chairman

Attest: 