

- (5) Average daily and 3-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.
- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
- (8) 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 User to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment. 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:
  - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the 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.).
  - (b) No increment referred to in paragraph (1) shall exceed nine (9) months.
  - (c) No later than 14 days following each date in the schedule and the final date for compliance, the 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 User 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.

- (10) Each product produced by type, amount, process, or processes, and the rate of production.
  - (11) Type and amount of raw materials processed (average and maximum per day).
  - (12) Number and type of employees, and hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
  - (13) Any other information including Baseline Monitoring Reports (BMRs) from Categorical Users as may be deemed by the Township to be necessary to evaluate the permit and application.
  - (14) All other environmental permits held by Industrial User.
- B. The Township will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Township will issue a User permit subject to terms and conditions provided herein. The Township may also deny or condition new or increased discharges when they do not meet applicable pretreatment standards and requirements, or when they would cause the POTW to violate its NPDES permit.

Section 162-64 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-64, Permit Modifications: Upon the promulgation of a National Categorical Pretreatment Standard, the User permit shall be subject to such standards as revised to require compliance with such standard within the time frame prescribed by such standard.

Section 162-65 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-65, Condition of Permit: 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.
- H. Requirements for maintaining and retaining plant records relating to wastewater discharge for a minimum of three years and affording the Township access thereto. This retention period may be extended in the case of unresolved litigation, or when requested by the Approval Authority.
- I. Requirements for notification of the Township of any new introduction of wastewater constituents or any substantial change being a 20% increase or decrease of average annual flow in the volume or character of the wastewater constituents must be made 180 days prior to being introduced into the wastewater treatment system. The Township reserves the right to deny or condition new discharges when they do not meet applicable pretreatment standards and requirements, or when they would cause the POTW to violate its NPDES permit.
- J. Requirements for notification of sludge discharges as per Section 162-57.
- K. Requirements for accidental discharges.
- L. Other conditions as deemed necessary by the Township to ensure compliance with this Ordinance.

Section 162-66 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-68, Duration of Permit;Notification of Change: Permits shall be issued for a specified time period, not to exceed five years. The User shall apply for permit reissuance a minimum of 180 days prior to the expiration of the Users 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 User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change, except in the case of a violation of a permit or as an emergency situations may necessitate. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

Section 162-67 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-67, Reassignment or Transfer of Permit: The User Permits are issued to a specific User for a specific operation. A Users Permit shall not be reassigned or transferred or sold to a new owner, new Users, 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.

Section 162-68 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-68, Compliance 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 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 also include the certification statement as specified in 40 CFR, 403.6 (d) (2)(ii) that the applicable subcategory of the pretreatment standards is being followed. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additonal O&M and/or pretreatment is necessary to bring the User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the User and certified by a licensed professional engineer.

B. Periodic Compliance Reports:

- (1) All Users shall submit to the Township during the months of June and December, unless required more frequently by the Township, a Baseline Monitoring Report (BMR) or periodic compliance 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. This report must also contain a statement reviewed by an authorized representative of the User and certified to by a qualified professional indicating whether pretreatment standards are being met and, if not, what additional operation, maintenance, or pretreatment is required to meet the applicable standards and requirements.
- (2) The Township may impose mass limitations on the 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 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. These reports shall be signed by an authorized representative of the significant user.
- (3) Record retention. All records and reports referred to in this Article shall be retained for a period of three (3) years, or, in the event of unresolved litigation, relevant records and reports shall be

retained for a period of three (3) years after a final unappealable order is entered or a final written settlement is reached.

Section 162-69 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-69, Inspections:

- A. The Township shall inspect the facilities pursuant to 40 CFR 403.8(f)(1)(V) of a User to ascertain whether the purpose of the 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, to conduct independent sampling or records copying and examination, or in the performance of any of their duties.
- B. The Township and the EPA shall have the right to set up on the User's or Significant User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premise, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Township, POTW and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

Section 162-70 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-70, Compliance Required Publication of Noncompliance:

- A. 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 or initiation of the changes.

- B. The Township shall annually publish in a newspaper of general circulation a list of the Users and Significant Users which were 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. [See 40 CFR 403.8(f)(2)(VII).]
- C. All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

Section 162-71 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-71, Confidential Information:

- A. Information and data on a 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 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.
- B. 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.

- C. Information accepted by the Township as confidential shall not be transmitted to the general public by the Township until, and unless, a 10 day notification is given to the User. Transmission of confidential information from the Township to the EPA is not governed by the 10 day notification requirement, since the EPA is also required to keep this information confidential under Section 308 of the Clean Water Act.
- D. The Township may also deny or condition new or increased discharges when they do not meet applicable pretreatment standards and requirements, or when they would cause the POTW to violate its NPDES permit.

Section 162-72 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-72, Notice of Violation: Whenever the Township finds that any User has violated or is violating this Ordinance, a Permit issued pursuant thereto, or any prohibition, limitations or requirements contained herein, or contained within the Enforcement Response Guide the Township shall serve upon such person a written notice, which shall be certified or registered to the last known address of the user stating the nature of the violation and requesting within a specified time period from the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township by the User.

Section 162-73 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-73, Suspension of Permit; Reinstatement: The Township may immediately suspend any 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 may reinstate the Permit upon proof of the elimination of the noncomplying discharge by 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.

Section 162-74 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-74, Revocation of Permit: Any 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 or this ordinance.

Section 162-75 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-75 Appeals: A User, upon receipt of notification of suspension or revocation of a User Permit, may appeal the decision in writing to the East Norriton Township Board of Supervisors with a statement of reasons therefor within ten (10) days of receipt of notice. The East Norriton Township Board of Supervisors shall hold the hearing within thirty (30) days upon receipt of written appeal.

Chapter 162 is amended by adding:

Section 162-75.1, Show Cause Hearing: Upon an appeal being filed pursuant to Section 162, the Township shall hold a show cause hearing not more than thirty (30) days from the date of filing an appeal for the purpose of determining whether such action shall be final. Within thirty (30) days of the show cause hearing the Township shall advise in writing to the User its decision.

Section 162-76 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-76, Show Cause Hearing; filing fee:

- A. Thereafter, upon receipt of notice in writing given to the User or any agent or officer thereof at least five (5) days notice prior to the time fixed therefor, the Board of Supervisors shall convene and conduct a hearing on whether to uphold the decision to suspend or revoke the Users permit.

B. The cost of the stenographic transcript of such a proceeding shall be borne by the Appellant.

Section 162-77 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-77, Notification of Findings and Determination:

A. The findings and determinations of the Township shall be in writing and shall be mailed certified or registered to the User or to his duly-authorized representative within thirty (30) days 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.

Section 162-78 is amended by deleting the existing paragraph and substituting the new paragrapha as follows:

Section 162-78, Legal Action: If any User discharges sewage, industrial wastes, or other wastes into the Township's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State pretreatment requirements, or permit issued by the Township under this ordinance, or commits non-discharge violations (such as failure to submit a required report, reporting of erroneous information or failure to allow Township personnel access to an industrial facility), the Township attorney may commence an action for appropriate civil legal and/or equitable relief in the Court of Common Pleas of Montgomery County.

Section 162-82 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-82, Violations and Penalties: Any User alleged to have willfully 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, can be subject to a fine up to One Thousand Dollars (\$1,000.00) per day for each violation. Each day on which a violation shall occur or continue to occur shall be deemed to be a separate and distinct offense.

Section 162-83 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 162-80, Civil Penalties: The Township attorney may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Montgomery County to recover civil 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 therefore.

Section 162-81 is amended by deleting the existing paragraph and substituting the new paragraph as follows:

Section 612-81, 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.

Chapter 162 is amended by adding Section 162-82 as follows:

Section 162-82, 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.

Chapter 162 is amended by adding Section 165-83 as follows:

Section 162-83, 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.

ADOPTED this 21<sup>st</sup> day of December, 1992 by the  
EAST NORRITON TOWNSHIP BOARD OF SUPERVISORS.

Joseph C. Rouca  
CHAIRMAN

Lewis M. Juans  
VICE CHAIRMAN

John J. Family  
SUPERVISOR

Helmut J. Barwald  
ATTEST

seweruse.bss