

HILLTOWN TOWNSHIP  
SEWER USE ORDINANCE 95-6

SEWER USE ORDINANCE OF HILLTOWN TOWNSHIP  
SETTING FORTH UNIFORM REQUIREMENTS FOR ALL  
USERS OF ITS WASTEWATER COLLECTION AND  
TREATMENT SYSTEM IN ORDER TO EFFECT  
COMPLIANCE WITH ALL APPLICABLE STATE AND  
FEDERAL LAWS GOVERNING WASTEWATER  
DISCHARGES INTO THE SEWER SYSTEM, INCLUDING  
THE CLEAN WATER ACT AND THE GENERAL  
PRETREATMENT REGULATIONS, AND PROVIDING  
PENALTIES FOR VIOLATION OF SAME.

**1.0 GENERAL PROVISIONS**

The objectives of this Sewer Use Ordinance are:

- a. To prevent the introduction of pollutants into any wastewater collection and treatment system (sewer system) serving Hilltown Township (Township) that will interfere with the operation, contaminate the biosolids generated at a POTW, or will otherwise be incompatible with the sewer system;
- b. To prevent the introduction of pollutants into any sewer system serving the Township that will be inadequately treated and thus will pass-through the sewer system into the receiving waters or the atmosphere;
- c. To protect the environment, the general public, the Township and any POTW personnel against the hazards associated with discharges of toxic or otherwise incompatible pollutants into the sewer system;
- d. To improve the opportunity to recycle and reclaim industrial wastewaters and biosolids from the sewer system;
- e. To provide for equitable distribution of the cost for the development and implementation of a POTW's Industrial Pretreatment Program, and other improvements to the sewer system;
- f. To help assure compliance with a POTW's National Pollutant Discharge Elimination System (NPDES) permit, biosolids use and disposal requirements, the Clean Water Act, the General Pretreatment Regulations, and any other state or federal laws with which the Township or a POTW must comply.

Except as otherwise provided herein, the provisions of this Sewer Use Ordinance will be implemented and enforced by the Township and the appropriate POTW Officials through issuance of Wastewater Contribution Permits to those Industrial/Commercial Users meeting the EPA's definition of a Significant Industrial User (SIU); through monitoring, reporting, and enforcement of the Ordinance with these Significant Industrial Users and all other Users. This Sewer Use Ordinance also assumes that the capacity of the sewer system allocated to existing customers will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from development and implementation of the program established herein.

## 1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases as used in this Sewer Use 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 United States Environmental Protection Agency (EPA).
3. Authorized Representative of a Significant Industrial User.
  - (1) If the User is a corporation, a responsible corporate officer is: (i) a president, secretary, treasurer, or 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 (ii) the plant manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the plant 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 local, state, or federal governmental agency: a director or highest appointed official designated to oversee the operation and performance activities of the facility, or their designee.
  - (4) A duly-authorized representative of the individual designated in (1) through (3) above if: (i) the authorization is made in writing by the individual described in (1) or (2); (ii) the authorization specifies either an individual or a position having overall responsibility for the operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a

position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to the Township.

4. Biochemical Oxygen Demand (BOD<sub>5</sub>). The quantity of oxygen consumed in the biochemical oxidation of organic matter under the standard 5-day laboratory procedure, at 20 degrees Celsius, expressed in terms of weight and concentration, [milligrams per liter (mg/l)].
5. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limitations promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act and appearing in 40 CFR Chapter I, Subchapter N, Parts 401-471.
6. Compatible Pollutant. A pollutant for which any POTW was specifically designed to treat and remove such as Biochemical Oxygen Demand (BOD<sub>5</sub>), Total Suspended Solids (TSS), Ammonia Nitrogen (NH<sub>3</sub>-N), Total Phosphorus (P), and to a lesser degree Oil and Grease.
7. Control Authority. The term "Control Authority" shall refer to the Manager or any other authorized Official of any POTW having an approved pretreatment program under the provisions of 40 CFR 403.11.
8. DEP. The Pennsylvania Department of Environmental Protection, or where appropriate, the term may also be used as a designation for the Secretary or other duly authorized official of said agency.
9. Enforcement Response Plan (ERP). A plan developed by a POTW which details the responses that will be taken by the POTW for various violations of this Ordinance, a Categorical Pretreatment Standard, or any other Pretreatment Requirement. The ERP is a supplement to this Sewer Use Ordinance and is available through the Township or POTW.
10. 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.
11. Equivalent Dwelling Unit (EDU). Any source of wastewater into any sewer system within the Township which has the following typical wastewater characteristics:

Flow	275 gpd
Ammonia-Nitrogen, as N (NH <sub>3</sub> -N)	25 mg/l
Biochemical Oxygen Demand (BOD <sub>5</sub> )	250 mg/l
Phosphorous, as P	10 mg/l

Total Suspended Solids (TSS)	250 mg/l
Total Kjeldahl Nitrogen (TKN)	40 mg/l

12. Existing Source. Any User of any sewer system serving the Township who commenced operation prior to EPA publication of proposed Categorical Pretreatment Standards, which will be applicable to that User after final EPA promulgation of such standards in accordance with Section 307 of the Act.
13. Grab Sample. A sample that is taken from a waste stream on a one-time basis over a period of time not to exceed fifteen minutes, with no regard to the flow in the waste stream. To fulfill EPA's General Pretreatment Regulations, all grab samples taken pursuant to this Sewer Use Ordinance shall consist of a minimum of four samples taken individually and flow composited in the laboratory, or analyzed separately and averaged.
14. Indirect Discharge. The discharge or the introduction of non-domestic pollutants into the sewer system, including holding tank waste discharged into the system as outlined in 40 CFR 403.31 (g) and Sections 307(b), (c), and (d) of the Act.
15. Industrial User. Any non-domestic source of indirect discharge to any sewer system serving the Township.
16. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the sewer system treatment processes, operations, or its biosolids processes, use or disposal; and therefore is a cause of a violation of any requirement of a POTW NPDES permit. The term includes prevention of biosolids use, processing, and 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 biosolids management plan prepared pursuant to Title IV of SWDA and applicable to the method of disposal or use employed by the receiving treatment facility.
17. Manager. The person designated by any POTW to supervise the overall operation of the treatment system and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.
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. New Source.
  - a. Any User of any sewer system serving the Township which commenced operation after the publication by the EPA of proposed Categorical

Pretreatment Standards, which will be applicable to that User after final EPA promulgation of such standards in accordance with Section 307 of the Act, provided that:

- (i) The building, structure, facility, or installation from which the discharge originates is constructed at a site at which no other source is located; or
  - (ii) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (iii) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site.
- b. Construction on a site at which an existing source is located results in a modification rather than a **New Source** categorization if the construction does not create a new building, structure, facility, or installation meeting the criteria of this Section (a) above but otherwise alters, replaces, or adds to existing process or production equipment.
- c. Construction of **New Source** as defined under this section has commenced if the owner or operator has:
- (i) initiated placement, assembly, or installation of facilities or equipment; or
  - (ii) initiated Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - (iii) entered into a binding contractual obligation for the purchase of facilities or equipment that are intended to be used in its operation within a reasonable period of time. Options to purchase or contracts that can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.
20. Non-contact Cooling Water. Water used for cooling purposes which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

21. Pass-Through. A discharge that 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 a violation).
22. pH. A measure of the acidity or alkalinity of a solution expressed in standard units.
23. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, biosolids, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharge into any sewer system serving the Township.
24. Pretreatment or Treatment. The reduction of the quantity of pollutants, the elimination of pollutants, 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 any sewer system serving the Township. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes, or by other means, except as prohibited by CFR Section 403.6(d).
25. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment including those promulgated by the EPA under the Act, and those established by any POTW.
26. Pretreatment Standards. Pretreatment standards shall mean any prohibited discharge standards, categorical pretreatment standards, or local limits.
27. Publicly Owned Treatment Works (POTW). A treatment works (serving the Township, such as the Pennridge Wastewater Treatment Authority plant and the Telford Borough Authority plant) as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to a POTW plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.
28. Significant Industrial User. Any non-domestic User of any sewer system serving the Township who:
  - a. Is subject to Categorical Pretreatment Standards;
  - b. Discharges an average of 25,000 gallons per day process wastewater to any sewer system serving the Township;
  - c. Contributes a process waste stream that makes up a 5 percent or more of the

average dry weather hydraulic or organic capacity of a POTW;

- d. Is designated as such by the Township on the basis that the User has a reasonable potential for adversely affecting the operation of any POTW, the quality of the biosolids generated at any POTW, or for violating any pretreatment standard or requirement.

29. Significant Industrial User Permit. A permit issued by any POTW to an industrial/commercial User in accordance with Section 4.4 of this Sewer Use Ordinance.

30. Significant Noncompliance. An Industrial User is in significant noncompliance if his violations meet one or more of the following criteria:

- Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
- Technical Review Criteria (TRC) violations, defined as those violations in which 33 percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that any POTW determines has caused, alone or in combination with other discharges, an interference, pass through, or upset at the treatment plant (including endangering the health of POTW personnel or the general public);
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in any POTW exercising its emergency Authority under 40 CFR 403 paragraph (f)(1)(vi)(B) to halt or prevent such a discharge;
- Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule date, or a compliance schedule milestone contained in a local control mechanism or enforcement action for starting construction, completing construction, or attaining final compliance;
- Failure to accurately report incidents of noncompliance: or
- Any other violation or group of violations that any POTW determines will

adversely affect the overall implementation of its industrial pretreatment program.

31. Slug Control Plan. All Significant Industrial Users are required to submit to the appropriate POTW a Slug Control Plan that meets the criteria set forth in Section 2.6 of this Sewer Use Ordinance.
32. Slug Discharge or Slug Load. Any discharge of a non-routine, episodic nature, including, but not limited to an accidental spill or non-customary batch discharging or a discharge at a flow rate or concentration that could cause a violation of any Pretreatment Standard set forth in accordance with Section 2.1 of this Sewer Use Ordinance, or in Section 403.5 of the General Pretreatment Regulations.
33. 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.
34. State. Commonwealth of Pennsylvania.
35. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting exclusively therefrom.
36. Total Suspended Solids (TSS). The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is measured by laboratory filtering.
37. Township. Township of Hilltown, a municipal corporation located in Bucks County, Pennsylvania.
38. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the Clean Water Act, or other acts promulgated by the federal or state governments.
39. User. Any person who contributes, causes, or permits the contribution of wastewater into any sewer system serving the Township.
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 sewer system.
41. Wastewater Collection and Treatment (sewer) System. All collection and transportation lines and/or facilities of the Hilltown Township Water and Sewer Authority, Telford Borough Authority, Perkasio Borough Authority and/or any other



duly authorized provider of sewer service located within the geographic boundaries of Hilltown Township.

42. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations 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 <sub>5</sub>	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CWA	Clean Water Act
DEP	Department of Environmental Protection
EPA	U.S. Environmental Protection Agency
mg/l	Milligrams per liter
NH <sub>3</sub> -N	Ammonia Nitrogen, as N
NPDES	National Pollutant Discharge Elimination System
O&M	Operation & Maintenance
POTW	Publicly Owned Treatment Works
PWTA	Pennridge Wastewater Treatment Authority
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
TKN	Total Kjeldahl Nitrogen
TSS	Total Suspended Solids
USC	United States Code

## 2.0 REGULATIONS

### 2.1 General

No User or Significant Industrial User may contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater that will cause a pass-through or interference in any sewer system serving the Township, will create a hazard to the environment, the general public, any POTW or Township personnel, or will cause any POTW to violate any General Pretreatment Regulation, NPDES permit or biosolids requirement. These general prohibitions apply to all such Users of a sewer system, whether or not the User is subject to National Categorical Pretreatment Standards or any other national, State, or local pretreatment standards for requirements.

A User or Significant Industrial User may not contribute the following substances to any

sewer system serving the Township;

- a. Any liquids, solids, or gases that 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 sewer system or will disrupt the operation of the sewer system. 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). Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides, sulfides, aldehydes, peroxides, chlorates, perchlorates, bromates and carbates, and any other substance that presents a fire hazard or other hazard to the sewer system, including any material or waste stream exhibiting a closed cup flashpoint of less than 140 degrees Fahrenheit (i.e., waste streams whose vapors ignite or burn at temperatures below 140 degrees Fahrenheit).
- b. Solid or viscous substances (which may cause obstruction to the flow in a sewer system, cause interference with the operation of the wastewater treatment facilities or cause pass-through at any POTW) 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, 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, plastics, gas, tar, asphalt residues, mud, glass grinding, polishing wastes, petroleum oil, and non-biodegradable cutting oil or mineral oil products.
- c. Any wastewater having a pH less than 5.0, or greater than 9.0 standard units, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the sewer system or POTW.
- d. Any wastewater containing toxic pollutants in sufficient quantity, either alone or in conjunction with other pollutants, that will cause a pass-through or interference in any sewer system serving the Township, will create a hazard to the environment, the general public, Township or any POTW personnel, or will cause any POTW to violate any General Pretreatment Regulation, NPDES permit or biosolids requirement. These general prohibitions apply to all such Users of a sewer system, whether or not the User is subject to National Categorical Pretreatment Standards or any other national, State, or local pretreatment standards or requirements. 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, vapors, solids, or fumes that either alone or in conjunction with other wastes are sufficient to create a public nuisance or hazard to life, cause health and safety problems, or are sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance that may cause any POTW's effluent or any other product of any sewer system serving the Township such as residues, biosolids, or scums to be unsuitable for reclamation and reuse, or which will interfere with the reclamation process. In no case shall a substance discharged to any sewer system serving the Township cause any POTW to be in noncompliance with its biosolids use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; or developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the biosolids management method being used.
- g. Any substance that will cause any POTW to violate its NPDES Permit or the receiving stream 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 that will inhibit biological activity in the sewer system or POTW resulting in interference, but in no case wastewater with a temperature at the introduction into the sewer system that will result in a POTW influent flow exhibiting a temperature which exceeds 40°C (104 degrees F).
- j. Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentrations that cause interference to the sewer system. In no case shall wastewater be discharged at a flow rate or containing concentrations or quantities 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 of that particular industry.
- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by any POTW in compliance with applicable State or Federal regulations.
- l. Any wastewater that causes a hazard to human life or creates a public nuisance.

- m. Storm water, groundwater, roof runoff, subsurface drainage, or cooling water.
- n. Trucked or hauled wastes except at a point of discharge indicated by the POTW Manager or his duly authorized agent.

When the Township or any POTW determines that a User or Significant Industrial User is contributing to any sewer system serving the Township any of the above prohibited substances, that POTW Manager may advise the User of the impact of such contributions on the sewer system and develop effluent limitations and compliance schedules which the User must meet to correct the violation.

The POTW or the Township may take enforcement actions(s) against the non-complying User or Significant Industrial User regardless of whether the User or Significant Industrial User was given prior notification of the violation by 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 Sewer Use Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Sewer Use Ordinance. Each User or Significant Industrial User shall be responsible to notify the Township and the appropriate POTW of changes to his status under the Federal, State, or local regulations. The Categorical Pretreatment Standards found in 40 CFR Chapter 1 Subchapter N Part 405-471 are also hereby incorporated into this Sewer Use Ordinance.

- a. Where a Categorical Pretreatment Standard is expressed only in terms of the mass or the concentration of a pollutant in wastewater, the appropriate POTW Manager may impose equivalent concentration or mass limits in accordance with 40 CFR part 403.6(c).
- b. Where process wastewater subject to a Categorical Pretreatment Standard is mixed with wastewater not regulated by the same standard, the appropriate POTW Manager shall impose an alternate limit using the combined waste stream formula in 40 CFR part 403.6(e).
- c. A User may obtain a variance from EPA from a Categorical Pretreatment Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR Part 403.13, that factors relating to his facility's discharge are fundamentally different from the factors considered by the EPA when developing the Categorical Pretreatment Standard.
- d. A User may obtain a net gross adjustment to a Categorical Pretreatment Standard in accordance with 40 CFR part 403.15.

### 2.3 Modification of Federal Categorical Pretreatment Standards

Where any POTW achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, that POTW may apply to the Approval Authority for modifications of specific limits in the Federal Categorical Pretreatment Standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the sewer 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 POTW may then modify the 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

All wastewater entering any sewer system serving the Township shall be pretreated to typical domestic levels unless otherwise stated in writing by the appropriate POTW by way of the Significant Industrial User Permit.

Typical domestic levels for compatible pollutants shall be:

PARAMETER	MAXIMUM CONCENTRATION (mg/l)
Biochemical Oxygen Demand (BOD <sub>5</sub> )	250 <sup>(1)</sup>
Total Suspended Solids (TSS)	250 <sup>(1)</sup>
Ammonia Nitrogen (NH <sub>3</sub> -N)	25 as N <sup>(1)</sup>
Phosphorus (Total as P)	10 <sup>(1)</sup>
Total Kjeldahl Nitrogen (TKN)	40 as N
Oil and Grease	100

In addition, no User shall contribute toxic pollutants to any sewer system serving the Township in excess of the following:

PARAMETER	MAXIMUM CONCENTRATION (mg/l)
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Arsenic	0.01
Cadmium	0.04
Chromium (total)	1.41
Chromium (hex.)	0.38
Copper	0.16 (2)
Lead	0.10
Mercury	0.0001 (2)
Nickel	0.33
Silver	0.05
Zinc	1.53
Cyanide (total)	0.34
Phenois (total)	0.13

(1) Users may exceed the maximum concentrations listed for these parameters, but will be surcharged according to the appropriate POTW's "High-Strength" SurchARGE Formula. Copies of this formula can be obtained from the appropriate POTW Manager.

(2) During compliance monitoring for these two pollutants, Significant Industrial Users will be given the option to meet this limit in their wastewater discharge or sample both their wastewater and incoming water supply at the time of compliance monitoring. Users selecting the second option will be required to maintain in their wastewater the level of these pollutants found in their incoming water supply. This is, in effect, a "no net increase" limit for these pollutants in accordance with the General Pretreatment Regulations 40 CFR Part 403.

## 2.5 Dilution

No User or Significant Industrial 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, the appropriate POTW, State, or federal agencies.

## 2.6 Slug Discharge

Each User shall provide protection from slug discharge of prohibited materials or other substances regulated by this Sewer Use Ordinance. To prevent the discharge of prohibited materials, facilities shall be provided and maintained at the user's or Significant Industrial User's own cost and expense. In the case of a slug discharge which has the potential to violate any of the specific provisions contained in 40 CFR 403.5, or to pass-through or interfere with the POTW, it is the responsibility of the User to immediately telephone and notify the Township and appropriate POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and

corrective actions taken to minimize and eliminate the violation.

Also, within five (5) days following a slug discharge, the User shall submit to the Township and the appropriate POTW a detailed written report that shall contain the following information:

- a. The cause of the noncompliance;
- b. The approximate time that this condition occurred and whether it has been corrected;
- c. The steps taken by the User to reduce and minimize the impact of the noncompliance;
- d. The steps taken by the User to prevent a re-occurrence of the conditions that caused or let to the accidental or slug loading.

Submission of such a report shall not relieve the User or Significant Industrial User of any fines, civil penalties, or other liability that may be imposed as described in this article, the appropriate POTW Enforcement Response Plan, or any other applicable law.

In addition, each POTW will evaluate at least once per year whether a Significant Industrial User needs to develop or update a Slug Control Plan. Detailed Slug Control Plans showing facilities and operating procedures to provide slug control protection shall be submitted to the appropriate POTW for review and approval prior to implementation. A Slug Control Plan shall contain, at a minimum, the following information:

- a. A description of discharge practices, including routine or non-routine batch discharges;
- b. A description of new and spent chemical storage procedures;
- c. Procedures for immediately notifying the appropriate POTW of any accidental or slug discharge, including personnel responsible for such notifications;
- d. Procedures to prevent adverse impact from an accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of chemical storage areas, handling and transferring of raw and finished products and chemicals, control of site runoff, worker training, building of containment structures, available containment equipment, and contacted environmental services that assist the User to fulfill these plans.

A Significant Industrial User who commences contribution to the sewer system after the effective date of this Sewer Use Ordinance shall not be permitted to introduce pollutants

into the system until a Slug Control Plan has been approved by the appropriate POTW. Review and approval of such plans and operating procedures shall not relieve the Significant Industrial User from the responsibility to modify his facility, as necessary, to meet the requirements of this Sewer Use Ordinance.

## **2.7 Discharge Monitoring Equipment**

The appropriate POTW and Township are given the right to require any User of the wastewater collection and treatment system serving the Township to install permanent sampling equipment in order to determine compliance with this Sewer Use Ordinance. The type of sampling equipment and installation location must be reviewed and approved by the appropriate POTW.

## **2.8 Notice to Employees**

A notice shall be permanently posted on the Significant Industrial User's bulletin board or other prominent place advising employees whom to call in the event of an accidental or slug discharge. Employers shall ensure that all employees who may be involved with hazardous materials are aware of such emergency notification procedures.

## **3.00 FEES**

### **3.1 Purpose**

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

### **3.2 Charges and Fees**

The Township and/or each POTW may adopt charges and fees by separate written Resolution that may include:

- a. Fees for reimbursement of the costs of developing and implementing an Industrial Pretreatment Program;
- b. Annual permit fees for recovering costs associated with monitoring, inspection, and sampling activities essential to implementation of an Industrial Pretreatment Program;
- c. Fees for reviewing accidental discharge procedures and construction plans;
- d. Fees for review of permit applications;



- e. Fees associated with the review of permit appeals;
- f. Fees for consistent removal by a POTW of pollutants otherwise subject to Federal Pretreatment Categorical Standards;
- g. Surcharge fees for all sewerage discharged into the sewer system which exhibit concentrations of certain compatible pollutants in excess of the limitations established in Section 2.4 of this Sewer Use Ordinance;
- h. Other fees a POTW and/or the Township may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Sewer Use Ordinance and are separate from all other fees chargeable by the Township and/or a POTW.

#### **4.0 ADMINISTRATION**

##### **4.1 Wastewater Discharges**

It shall be unlawful for any User to discharge any wastewater to any sewer system serving the Township, or within the service area of any POTW, except as authorized in writing by the appropriate POTW in accordance with the provisions of this Sewer Use Ordinance. The Township or the appropriate POTW may require any unpermitted or permitted Users of the sewer system to provide any information needed to determine compliance with this Sewer Use Ordinance or other applicable local, State, or federal laws, rules, or regulations. These requirements include, but are not limited to:

- a. Wastewater discharge peak rate and volume records over a specified time period;
- b. Information on raw materials, processes, and products affecting wastewater volume and quality;
- c. Quantity and disposition of specific liquid, biosolids, oil, solvent, or other materials that may impact the operation of any sewer system serving the Township and/or any POTW;
- d. A plot plan of all sewer facilities on the User's property, including the number and location of all sewer lateral connections to any sewer system serving the Township;
- e. Details of control measures taken by the User to prevent and control storm water, drainage, roof runoff, from entering any sewer system serving the Township.

In addition, all Users are required to provide details of any significant changes to the nature or quantity of their discharge, including increased flows of 25 percent or more, or the promulgation of a Categorical Pretreatment Standard that applies to their discharge, at least 90 days prior to commencing the "changed" discharge.

Costs incurred for developing the information described above shall be paid by the User and are in addition to all other sewer use permit, and surcharge fees charged by a POTW or Township.

The User shall be responsible for obtaining and submitting all applicable Authority, Municipal, County, regional, State, or federal permits or planning documents required for approval of a sewer connection. It is also the responsibility of each User to notify the Township and the POTW of wastewater discharges containing materials which would be considered hazardous if disposed of in any other manner.

## **4.2 Significant Industrial User Permits**

All Users proposing to connect into, or already connected into any sewer system serving the Township who are deemed a Significant Industrial User through POTW review of the waste questionnaire or permit application, must obtain a Wastewater Contribution Permit from the appropriate POTW 90 days prior to commencing discharge.

In addition, whenever an existing insignificant industrial User becomes subject to a new Categorical Pretreatment Standard, the User must re-apply to the POTW for a Significant Industrial User Wastewater Contribution Permit within 180 days of the promulgation of the Categorical Standard. Based on the review of this data, the POTW may re-issue the Wastewater Contribution Permit for this Significant Industrial User as soon as possible after incorporating the applicable standards.

### **4.2.1 Permit Application**

Any User required to obtain a Significant Industrial User permit shall complete and file with the appropriate POTW an application in the form prescribed by the POTW, accompanied by the required permit filing fee. In support of the application, the Significant Industrial User shall submit in units and terms appropriate for evaluation, all items required in 40 CFR 403.12(b), including the following information:

- a. Name, address, and location of the facility (if it is 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 parameters listed in Section 2.0 of this Ordinance, as determined by

an approved analytical laboratory. This sampling and analysis 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 wastewater contribution;
- e. Average daily and 30-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 production processes on the premises, including all materials that have a potential for entering the sewer system either accidentally or by purpose;
- h. The nature and concentration of any pollutants in the discharge which are limited by any Township, State, or Federal Categorical 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), source reduction efforts and/or additional pretreatment is required for the Significant Industrial User to meet applicable pretreatment standards.
- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the schedule by which the Significant Industrial User will provide such additional pretreatment. For Significant Industrial Users subject to Federal Categorical Pretreatment Standards, the completion date in this schedule can be no later than the compliance date established by the EPA for the applicable pretreatment standard. The following shall also apply to this schedule:
  - (i) 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 facilities required for the Significant Industrial User to meet the applicable pretreatment standards. This may include dates for installing a sampling manhole, hiring an engineer, completing preliminary plans, completing final plans, executing a contract for major components, commencing construction, completing construction, etc;
  - (ii) No increments referred to in paragraph (1) shall exceed nine

(9) months;

- (iii) 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 appropriate POTW, including, as a minimum, whether or not he has complied with the increment of progress to be met on such date, and if not, the date on which he expects to comply with this increment of progress; the reason for delay; and the steps he is taking to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the POTW.
- (iv) Each product produced by type, amount, process or processes and rate of production;
- (v) Type and amount of raw materials processed (average and maximum per day);
- (vi) Number and type of employees, the hours of plant operation, and the proposed or actual hours of pretreatment system operation.
- (vii) Any other information as may be deemed by the POTW necessary to aid in evaluating the permit application.

j. A list of any environmental control permits held by or for the facility.

The POTW will evaluate the data furnished by the Significant Industrial User and will notify the User of any additional information necessary to complete the application review process. After evaluation and acceptance of the data supplied, the POTW may approve the issuance of a Signification Industrial User permit subject to terms and conditions provided herein.

#### **4.2.2 Permit Conditions**

Significant Industrial User permits shall be expressly subject to all provisions of this Sewer Use Ordinance and all other applicable regulations, User charges, and fees established by the Township or any POTW by way of separate Resolution. The permit may contain, but is not limited to, the following requirements:

- a. Statement of duration;
- b. Statement on non transferability;

- c. All applicable pretreatment standards for the discharge of pollutants;
- d. Limits on average and maximum flow rate and time discharge, or requirements for flow regulations and equalization;
- e. Requirements for installation and maintenance of inspection and sampling facilities;
- f. Specifications for monitoring programs that may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- g. A schedule for achieving compliance with this Sewer Use Ordinance or any other Pretreatment Requirement;
- h. Requirements for submission of technical reports or discharge reports (see Section 4.2.3);
- i. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the appropriate POTW; and allowing the POTW access thereto;
- j. Requirements for 90-day prior notification of the POTW and Township of the introduction of any new wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the sewer system;
- k. Requirements for notification of slug discharges in accordance with Section 2.7;
- l. Specification of type and amount of raw materials and finished products processed (average and maximum per day);
- m. Statement of all applicable civil or criminal penalties for noncompliance;
- n. Other conditions as deemed necessary by the Township or the POTW to ensure compliance with this Sewer Use Ordinance.

### **4.2.3 Reporting Requirements in Permits**

#### **4.2.3.1 Compliance Data Report**

Following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a new source, following commencement of the introduction of wastewater into the sewer system, any Significant Industrial User subject to Federal

Categorical Pretreatment Standards shall submit to the POTW a report indicating the nature and concentration of all pollutants in the discharge from the regulated process that 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 Industrial User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Significant Industrial User and certified by a qualified professional engineer.

#### **4.2.3.2 Periodic Compliance Reports**

1. Every Significant Industrial User shall have his wastewater sampled and analyzed at a frequency specified in the Wastewater Contribution Permit, but in no case less than two times per year. The frequency and number of pollutants analyzed for will be specific for each industry. The sampling must be representative of the User's typical discharge during that reporting period. The POTW may at any time require the Significant Industrial User to perform additional sampling if it believes the conditions of this Sewer Use Ordinance are not being met. The Significant Industrial User must submit to the POTW during the months of June and December, unless required more frequently by the POTW, an update report indicating any process, production, or flow rate changes that have occurred during the previous six-month period and all sampling requirements specified above. This report will also include a record of all daily flow that, during the reporting period, exceeded the average daily flow allowed in the contract. At the discretion of the POTW and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the POTW may agree to alter the months during which the above reports are to be submitted.
2. The POTW may impose mass limitations on Significant Industrial Users that combine non-regulated waste streams with categorical process waste streams prior to the sampling point 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 Industrial 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 that 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 EPA-approved test procedures. Sampling shall be performed in accordance with approved techniques.

When the results of this sampling indicate non-compliance with any requirement of this Sewer Use Ordinance, the User must notify the POTW within 24-hours after becoming

aware of the violation(s). The User must also re-sample their discharge and submit these results to the POTW within 30 days. Additionally, all wastewater discharge sampling results obtained by the User, whether or not required specifically by their Wastewater contribution Permit, must be submitted to the POTW.

All measurements, tests, and analyses required for determining the characteristics of waters and wastewaters to which reference is made in this Sewer Use Ordinance shall be performed in accordance with 40 CFR Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis and will be specified in the individual Wastewater Contribution Permits issued to the Significant Industrial Users.

#### **4.2.4 Permit Duration**

Permits shall be issued by the POTW for a specified time period, not to exceed five years. Each Significant Industrial User shall apply for a re-issuance of his Wastewater Contribution Permit a minimum of 180 days prior to the expiration of his existing permit. The terms and conditions of the permit may be subject to modification by the POTW during the term of the period, as limitations or requirements as identified in Section 2 are modified or other just cause exists. A Significant Industrial User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Where necessary, a schedule for complying with these changes or new conditions may also be issued by the POTW.

#### **4.2.5 Permit Modifications**

Upon the promulgation of a Categorical Pretreatment Standard, a Significant Industrial User subject to such standards shall have his Wastewater Contribution Permit revised to require compliance with such standards.

#### **4.2.6 Permit Transfer**

Wastewater Contribution Permits are issued to a specific Significant Industrial User for a specific operation. These Permits shall not be reassigned, transferred, or sold to a new owner, used for different premises, or used for a new or changed operation.

#### **4.2.7 Signatory Requirement**

All reports, applications, or other information required to be submitted under this Sewer Use Ordinance shall be signed by an Authorized Representative of the User and shall contain the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to ensure that qualified personnel properly gather and evaluate the information submitted.

Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

### **4.3 Monitoring Facilities**

The appropriate POTW Manager or his duly authorized representative shall inspect the facilities of any User to ascertain whether the purpose of this Sewer Use Ordinance are being met and all compliance with requirements are being met. Persons or occupants of premises where wastewater is created or discharged shall allow the POTW Manager or his Representative ready access at all times to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying of same, or in the performance of any of his duties. The POTW has the right to set upon a 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 that require proper identification and clearance before entry into his premises, the User shall make necessary arrangements with any security guards so that upon presentation of suitable identification, personnel from the POTW will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

### **4.4 Pretreatment**

Users and Significant Industrial Users shall provide necessary wastewater treatment as required to comply with this Sewer Use Ordinance and any applicable Federal Categorical Pretreatment Standards within the time limitations as specified by their POTW or in the Federal Pretreatment Regulations. Any equipment or facilities required by the User to pretreat wastewater to a level acceptable to their POTW shall be provided, operated, and maintained at the User's expense. The POTW may require that detailed plans showing the pretreatment facilities and operating procedures to be submitted for review and be deemed acceptable to the POTW before construction of the facility. The review of such plans and operating procedures will in no way relieve a User from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the POTW under the provisions of this Sewer Use Ordinance. Any subsequent changes in the pretreatment facilities or method of operation, or any change that may result in a new or increased discharge of pollutants, shall be reported to and be accepted by the POTW prior to the initiation of the changes.

### **4.5 Record Keeping Requirements**

Users subject to the record keeping requirements of this section shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring or reporting requirements required in this Sewer Use Ordinance, including any monitoring activities undertaken by the User independent of these requirements. Records



shall include the exact date and time of sampling, the date and time of analysis, the name of the person(s) collecting any analyzing all samples, the methodology used in analyzing the samples, and the results of these analyses. These records shall be made available for a minimum of three years. In the matters of litigation between the User and the POTW, or where required by the EPA, the retention period is extended.

All records relating to compliance with pretreatment standards shall be made available to the Township, the POTW, the DEP, or the EPA upon request.

#### **4.6 Confidential Information**

Information and data on a User or Significant Industrial User obtained from reports, questionnaires, permit applications, permits, monitoring programs, and inspections, shall be made available to the public or governmental agencies without restrictions unless the User or Significant Industrial User specifically requests and is able to demonstrate to the satisfaction of the POTW 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 Industrial User.

When requested by the person furnishing a report, those portions of a report that 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 Sewer Use Ordinance, the NPDES Permit, biosolids disposal/re-use forms, and/or the General Pretreatment Regulations. Any such portions of a report shall also be available for use by 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 POTW as confidential shall not be transmitted to the general public by the POTW until after a 10-day notification is given to the User or Significant Industrial User.

#### **4.7 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 Sewer Use Ordinance or User or Significant Industrial User permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Sewer Use Ordinance shall be punished as provided by law and shall be subject to the fines set forth in Section 5.0.

### **5.0 ENFORCEMENT**

## **5.1 Notification of Violation**

Whenever the Township or the POTW finds that any User has violated or is violating this Sewer Use Ordinance, his Wastewater Contribution Permit, or the General Pretreatment Regulations, the Township or the POTW shall serve upon the User a written Notice of Violation (NOV). Within 15 days of the certified receipt of the NOV, the User must submit to the POTW and the Township, a written response that contains the following information:

- a. Cause of noncompliance;
- b. Anticipated duration of the noncompliance and the time by which the violation will be corrected;
- c. Steps taken by the User to reduce and eliminate the non-complying discharge;
- d. Steps taken by the User to prevent re-occurrence of the condition(s) leading to the noncompliance;
- e. The signature of an authorized representative of the User that certifies to the validity of the report.

## **5.2 Show-Cause Hearing**

When a response given by the User to a previous NOV is inadequate, or when a violation results in conditions that could cause a POTW to violate its NPDES permit or biosolids quality requirements, or results in a hazardous situation within the POTW sewer system, the POTW will notify a User by certified mail of the requirement that the User attend a Show-Cause Hearing. A Show-Cause Hearing is an official meeting between the POTW and a User to resolve conditions of continued violations. The Hearing may result in the POTW issuing an Administrative Order to the User, or if conditions warrant, civil penalties in accordance with Section 6.0 of this Ordinance.

## **5.3 Administrative Order**

An Administrative Order is an official enforcement document that directs a User or Significant Industrial User to undertake or to cease specific activities and that carries specific legal actions to be enforced when addressing continued noncompliance. The Order may contain a Compliance Schedule specifying the time frame by which the User must perform certain activities that will ultimately result in compliance with all requirements contained in the Order. The Order may also contain the requirement that the User pay civil penalties of up to \$25,000 per day per violation.

## **5.4 Public Notification of Noncompliance**

Each POTW shall publish annually in the largest daily newspaper published or circulated in the Township a list of the Users and Significant Industrial Users determined to be in significant noncompliance (as defined in Section 1.2 of this Sewer Use Ordinance) during the preceding 12 months. The notification shall also summarize any enforcement actions taken against those Users and Significant Industrial Users by the POTW or the Township during the same 12 months in accordance with 40 CFR 403.8(f)(2)(vii).

### **5.5 Harmful Contributions**

The Township or the POTW may suspend the wastewater treatment service and/or Wastewater Contribution Permit when such suspension is necessary, in the opinion of the Township or the POTW, 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 and/or the environment; which causes, or threatens to cause, interference to the POTW; or causes, or threatens to cause, the POTW to violate any condition of its NPDES Permit.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township or the POTW shall take such steps deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township or the POTW may reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted by the User to the Township and the POTW within 15 days of the date of occurrence.

### **5.6 Revocation of Permit**

Any User who violates the following conditions of this Sewer Use Ordinance, or applicable state and federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Sewer Use Ordinance:

- (a) Failure of the User to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or
- (d) Violation of conditions of the permit.

## **5.7 Right To Appeal**

### **5.7.1 Appeal**

A User, upon receipt of notification of suspension or revocation of a User permit or Significant Industrial User permit, may appeal the decision in writing to the Township and the POTW with a statement of reasons therefor within ten (10) days of the notice. Such an appeal shall not be cause for the discharge to continue if the suspension or revocation was issued to stop a harmful contribution under Section 5.2.

### **5.7.2 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, the 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 Seven Hundred Fifty (\$750.00) Dollars, or such other amount as may be established by the Township by separate Resolution.

### **5.7.3 Method of Decision**

The findings and determinations of the Township shall be in writing and shall be mailed to the User's Authorized Representative within forty-eight (48) hours of the hearing, with a certified copy thereof to be filed with the POTW official who originally served the notice of suspension or revocation. The determination and hearing shall be conducted in accordance with the local agency law, 2 PA. C.S.A. 101, et seq.

### **5.7.4 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 POTW.

## **6.0 CIVIL PENALTY ASSESSMENT/INJUNCTIVE RELIEF POLICY**

### **6.1 Civil Penalty Assessment**

In addition to the other enforcement actions described within a POTW Enforcement Response Plan (ERP), the POTW may also seek civil penalties and/or injunctive relief against any User who fails to comply with the requirements of the Township's Sewer Use Ordinance or his Wastewater Contribution Permit.

Civil penalties vary from \$500 up to \$25,000 per day per violation depending on the severity of the violation and other factors. In civil penalty assessment, the POTW will

consider all of the following factors:

- a. Damage to the POTW treatment plant or collection system, the environment, or sewer system personnel, resulting from the violation;
- b. The User's history of past violations;
- c. The level of cooperation obtained from the User;
- d. The economic benefit gained by the Users as a result of the noncompliance;
- e. Other relevant factors:

The general civil assessment policy of a POTW is given in their Enforcement Response Plan. All fines were developed in accordance with the Publicly Owned Treatment Works Penalty Law (Pennsylvania Act 9) and will be assessed on a per day, per violation basis. A POTW has the right to increase, reduce or waive the fines in certain circumstances.

All civil penalties collected pursuant to a POTW Civil Penalty Assessment Policy will be placed in a restricted account and shall only be used by the POTW for the repair of damage and any additional maintenance or other costs resulting from the violation(s) on which the penalty was imposed, to pay any penalties imposed on the POTW by a State or federal agency as a result of violating any pretreatment standards, for the costs incurred by the POTW to investigate and initiate enforcement actions against the non-complying discharge (including legal and engineering fees), for additional monitoring costs associated with the non-complying User, and for capital improvements to the treatment plant or collection system required by the Pretreatment Program. Any remaining funds may be used for capital improvements to the treatment plant or collection system not required by the Industrial Pretreatment Program.

The POTW's ability to seek civil penalties against non-complying Users shall apply to all Users of that sewer system regardless of political boundary. The civil penalties may be assessed by the POTW for violations where the POTW is located, where the activity took place, or where the condition exists or the public was affected by the violations.

## **6.2 Injunctive Relief**

Where necessary, a POTW or the Township shall also have the power to obtain injunctive relief against any Users who are in violation of a Pretreatment Standard. Injunctive relief shall be granted upon the showing of one or more of the following:

- a. A discharge from a User presents an imminent or substantial danger to the environment;
- b. A discharge from a User causes the POTW to violate any condition of its

NPDES permit, biosolids application standards, or other State or federal requirement;

- c. A discharge from a User presents an imminent or substantial danger to the POTW, the sewer system or the general public;
- d. The User has shown a lack of ability or intention to comply with a Pretreatment Standard;

Injunctive relief may also be issued against a non-complying User if the court determines that other enforcement actions available to the POTW would not be adequate to affect prompt correction of the condition or violation. In addition to injunctive relief, the POTW may also be granted civil penalties by the Court pursuant to Section 6.1 of this Ordinance.

The POTW's ability to seek injunctive relief against a non-complying User shall apply to all Users regardless of political boundary. The injunctive relief may be sought in the Court of Common Pleas where the POTW is located, where the activity took place, where the condition exists or the public was affected, and to that end a jurisdiction is hereby conferred in law and equity upon such courts.

### **6.3 Right To Appeal**

Any User charged with any civil penalty shall have 30 days to pay the proposed penalty in full, or, if the User wishes to contest either the amount of the penalty or the fact of the violation, the User must file an appeal of the action to the Hilltown Township Board of Supervisors within thirty (30) days pursuant to the local agency law, 2 PA.C.S.A. 101 et seq.

## **7.0 SEVERABILITY**

In any provision, paragraph, word, section, or article of this Sewer Use Ordinance are 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**

Ordinance 94-2 is expressly repealed in its entirety and all other Sewer Use Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Sewer Use Ordinance are hereby repealed to the extent of such inconsistency or conflict.

## **9.0 EFFECTIVE DATE**

This Sewer Use Ordinance shall become effective on the 5th day following enactment.

SO ORDAINED AND ENACTED this 27<sup>th</sup> day of Nov, A.D., 1995, by Hilltown Township.

HILLTOWN TOWNSHIP  
Board of Supervisors

*Wm H. Bennett*

*Kenneth B. B...*

*J. Carroll Foy*