

HILLTOWN TOWNSHIP
SEWER USE ORDINANCE

ORDINANCE NO. 90-1

AN ORDINANCE OF THE TOWNSHIP OF HILLTOWN, BUCKS COUNTY, PENNSYLVANIA, SETTING FORTH UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION SYSTEM SERVED BY THE HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY AND TREATED BY THE PENNRIDGE WASTEWATER TREATMENT PLANT, TO EFFECT COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAWS CONCERNING DISCHARGES OF WASTEWATER AND POLLUTANTS INTO THE SEWER SYSTEM, AND PROVIDING FOR PENALTIES FOR VIOLATION.

1.0 GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection system of Hilltown Township Water and Sewer Authority serviced by the Pennridge Wastewater Treatment Plant, to effect compliance with applicable State and Federal laws required by the Clean Water Act of 1977 and subsequent amendments and the General Pretreatment Regulations (40 CFR Part 403).

The objectives of this Ordinance are:

- a. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system, or contaminate the resulting sludge at the treatment facilities of the Pennridge Wastewater Treatment Authority (PWTA).
- b. To prevent the introduction of pollutants into the municipal wastewater system which will be inadequately treated and thus pass through the system into receiving waters or the atmosphere, or otherwise be incompatible with the system.
- c. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
- d. To provide for equitable distribution of the cost for the implementation of the PWTA's Municipal Industrial Pretreatment Program and any costs incurred by the Hilltown Township Water and Sewer Authority in implementing the Industrial Pretreatment Program.

This Ordinance provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nondomestic Users and through enforcement of general requirements for the other Users; authorizes monitoring and enforcement activities; requires User reporting; assumes that each existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to the inhabitants of the Township and to persons outside the Township who are Users or Significant Users of the Authority collection system served by the PWTAs facilities. Except as otherwise provided herein, the Township shall enforce the provisions of this Ordinance and the PWTAs shall administer and implement the provisions of the Ordinance.

Nothing contained in this Ordinance shall be construed as preventing any special agreement or arrangement between the PWTAs and Significant Users within or out of the Township, whereby a waste of unusual strength or character may be accepted by the PWTAs or appropriate Municipal Authority by special agreements in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the PWTAs, and with said agreement needing prior written approval of Township in order to take full effect. Any such agreement or arrangement as described above shall not allow a discharge that exceeds Categorical Standards.

1.2 Definitions

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

1. Act or "the Act." The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. Approval Authority. The Director in a National Pollution Discharge Elimination System (NPDES) State with an approved State Pretreatment Program, or the Administrator of the U.S. EPA in a non-NPDES State, or the Administrator of the U.S. EPA in a NPDES State without an Approved State Pretreatment Program.
3. Authority. Hilltown Township Water and Sewer Authority.

4. Authorized Representative of a Significant User. An authorized representative of a significant user may be:
- (1) A responsible corporate officer, 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 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 manager in accordance with corporate procedures.
 - (2) A general partner or proprietor if the individual user is a partnership or proprietorship, respectively.
 - (3) A duly-authorized representative of the individual designated in (1) or (2) 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 overall 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 Control Authority.
5. Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20°C, expressed in terms of weight and concentration (milligrams per liter, mg/l).
6. Board. The Hilltown Township Board of Supervisors.
7. Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
8. Categorical Standards. National Categorical Pretreatment Standards as outlined in 40 CFR Chapter I, Subchapter N, or 40 CFR Parts 401-471.
9. Cooling Water. The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

10. Control Authority. The term "control authority" shall refer to the "Approval Authority," as defined hereinabove; or the PWTA Manager if the PWTA has an approved pretreatment program under the provisions of 40 CFR 403.11.
11. Coordinator. Employee of the PWTA responsible for surveillance and implementation of the Municipal Industrial Pretreatment Program.
12. DER. Department of Environmental Resources of the Commonwealth of Pennsylvania.
13. Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
14. EDU. Equivalent Domestic Unit with the following wastewater characteristics:

Flow	275 gpd
Ammonia - Nitrogen	25 mg/l as N
BOD	250 mg/l
Phosphate	10 mg/l as P
Suspended solids	250 mg/l
Total Kjeldahl Nitrogen (TKN)	40 mg/l as N
15. 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.
16. Grab Sample. A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.
17. Holding Tank Waste. Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
18. Indirect Discharge. The discharge or the introduction of pollutants into the collection system, including holding tank waste discharged into the system as outlined in 40 CFR 403.3(g) and Sections 307(b), (c), and (d) of the Act.
19. Industrial User. An industrial source of indirect discharge.

20. Interference. The inhibition or disruption of the POTW treatment processes, operations, use, disposal, or its sludge process, which contributes to a violation of any requirement of the receiving treatment facility's NPDES Permit. The term includes prevention of sewage sludge use or disposal by the receiving treatment facility in accordance with Section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the receiving treatment facility.
21. Manager. The person designated by the PTWA to supervise the operation of the treatment system and who is charged with certain duties and responsibilities by this ordinance, or his duly authorized representative.
22. National Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1347), which applies to a specific category of Industrial Users.
23. National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1317).
24. National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR Section 403.5.
25. New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
 - (i) The building, structure, facility, or installation 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.
26. Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the PWTAs NPDES permit (including an increase in the magnitude or duration of a violation).
27. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, any other legal entity, or any of their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.
28. pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.
29. Pollutant. Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.
30. Pollution. The manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
31. POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
32. Pretreatment or Treatment. The reduction of the amount 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 a POTW. 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 40 CFR Section 403.6(d).
33. Pretreatment Standards. Any substantive or procedural requirement related to pretreatment.

34. Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). This definition includes any sewers that convey wastewater to a POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.
35. PWTA. Pennridge Wastewater Treatment Authority to include wastewater interceptor and treatment facilities.
36. Shall is mandatory; May is permissive.
37. Significant User. Any non-residential User of the Authority's wastewater collection system who: (1) has a discharge flow of 25,000 gallons or more per average work day; or (2) has a flow greater than 5 percent of the flow in the PWTA's wastewater treatment system; or (3) has in his wastes toxic pollutants as defined pursuant to Section 307 of the Act or Pennsylvania Statutes and rules; or 4) is found by the PWTA, Township, Pennsylvania Department of Environmental Resources (PADER), or the U.S. Environmental Protection Agency (EPA) to have significant impact either singly or in combination with other significant industries on the wastewater collection and treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.
38. Significant User Permit. A permit as set forth in Section 4.4 of this Ordinance.
39. 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.
40. State. Commonwealth of Pennsylvania.
41. Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.
42. Suspended Solids. The total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.
43. Township. The Hilltown Township Board of Supervisors or its Code Enforcement Office.
44. Township Authority. The Hilltown Township Water and Sewer Authority.

45. Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of CWA 307(a) or other acts.
46. User. Any person who contributes, causes, or permits the contribution of wastewater into the collection system of the Hilltown Authority.
47. Wastewater. The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated which is contributed into or permitted to enter the collection system of the Hilltown Authority.
48. Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

•	BOD	Biochemical Oxygen Demand
•	CFR	Code of Federal Regulations
•	COD	Chemical Oxygen Demand
•	CWA	Clean Water Act
•	EPA	U.S. Environmental Protection Agency
•	l	Liter
•	mg	Milligrams
•	mg/l	Milligrams per liter
•	NPDES	National Pollutant Discharge Elimination System
•	O&M	Operation and Maintenance
•	POTW	Publicly Owned Treatment Works
•	SIC	Standard Industrial Classification
•	SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, <u>et. seq.</u>
•	USC	United States Code
•	TKN	Total Kjeldahl Nitrogen
•	TSS	Total Suspended Solids

2.0 REGULATIONS

2.1 General

No User or Significant User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause a Pass Through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW, whether or not the User is subject to National Categorical Pretreatment Standards or any other national, State, or local pretreatment standards or requirements. A User or Significant User may not contribute the following substances to any POTW:

- a. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL). 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 carbides, and any other substance which is a fire hazard or a hazard to the system.
- b. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to grease, garbage with particles greater than one-half-inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, 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, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, or polishing wastes.
- c. Any wastewater having a pH less than 5.0 or higher than 9.0, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

- d. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters or the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- e. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.
- f. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
- g. Any substance which will cause the PWTAs 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 which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°F), unless the POTW treatment plant is designed to accommodate such temperature.
- j. Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentrations which cause interference to the POTW. In no case shall a slug load have a flow rate or contain 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.

- k. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Manager in compliance with applicable State or Federal regulations.
- l. Any wastewater which causes a hazard to human life or creates a public nuisance.
- m. Stormwater, groundwater, roof runoff, subsurface drainage, or cooling water.

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

2.2 Federal Categorical Pretreatment Standards

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supercede the limitations imposed under this Ordinance. Each User or Significant User shall be responsible to notify the PWTa, the Township, and the Hilltown Authority of changes to his status under the Federal, State, or local regulations.

2.3 Modification of Federal Categorical Pretreatment Standards

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

2.4 Specific Pollutant Limitations

No person shall discharge wastewater containing in excess of:

<u>Parameter</u>	<u>Max. Conc. from Industrial Connections to POTW (mg/l)</u>
Arsenic	0.063
Cadmium	0.144
Chromium (total)	3.951
Copper	2.106
Cyanide (total)	*
Cyanide (free)	*
Lead	0.279
Mercury	0.007
Nickel	0.558
Silver	0.005
Zinc	1.530
Chromium (hex.)	0.050
Phenols	*

* Limits for each user will be developed on a case-by-case basis.

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

BOD - 250 mg/l
Suspended Solids - 250 mg/l
Phosphorus (Total as P) - 10 mg/l
Ammonia Nitrogen - 25 mg/l as N
TKN - 40 mg/l as N
Oil and Grease - 100 mg/l

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

2.5 State Requirements

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

2.6 PWTA's Right of Revision

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

2.7 Excessive Discharge

No User or Significant User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by Township, Hilltown Authority, PWTA, State, or Federal agencies.

2.8 Accidental Discharge

Each Significant User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the Owner's, User's, or Significant User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the PWTA for review and shall be approved by the PWTA before construction of the facility. All existing Significant Users shall complete such a plan by November 30, 1990. A Significant User who commences contribution to the POTW after the effective date of this Ordinance shall not be permitted to introduce pollutants into the system until his accidental discharge procedures have been approved by the PWTA. Review and approval of such plans and operating procedures shall not relieve the Significant User from the responsibility to modify his facility, as necessary, to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the Significant User to immediately telephone and notify the PWTA of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2.9 Written Report

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

2.10 Notice to Employees

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

3.0 FEES

3.1 Purpose

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

3.2 Charges and Fees

The PWTAs, Township, and/or the Hilltown Authority may adopt charges and fees which may include:

- a. Fees for reimbursement of the costs of setting up and operating the PWTAs' pretreatment program
- b. Fees for monitoring, inspections, and surveillance procedures
- c. Fees for reviewing accidental discharge procedures and construction plans
- d. Fees for permit applications
- e. Fees for filing appeals
- f. Fees for consistent removal by the PWTAs of pollutants otherwise subject to Federal pretreatment standards
- g. Other fees the PWTAs and/or the Township may deem necessary to carry out the requirements contained herein

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Township or the Hilltown Authority.

4.0 ADMINISTRATION

4.1 Wastewater Dischargers

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

4.2 User Permit

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

4.2.2 The PWTAs shall require a User of sewer services to provide the information needed to determine compliance with this Ordinance or other applicable local, State, or Federal laws, rules, or regulations. These requirements may include:

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

4.2.3 All measurements, tests, and analyses of the characteristics of waters and wastewaters to which reference is made in this Ordinance shall be determined in accordance with 40 CFR Part 136. Sampling methods, locations, times, durations, and frequencies are to be determined on an individual basis, subject to approval by the PWTAs.

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

4.2.5 The User shall allow any person designated by the PWTAs access to the premises for the purpose of inspection prior to permit application or approval.

4.3 Signatory Requirements

All reports, applications, or other information required to be submitted under this Ordinance shall be signed by an authorized representative of the industrial 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 fine and imprisonment for knowing violations.

4.4 Significant Users

4.4.1 Permit

All Significant Users proposing to connect to or contribute to the POTW shall obtain a Significant User permit from the PWTAs before connecting to or contributing to the POTW. All existing Significant Users connected to or contributing to the POTW shall apply for a Significant User permit within 60 days after the effective date of this Ordinance.

Whenever a User becomes subject to a new National Categorical Pretreatment Standard, the User shall re-apply for a Significant User permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.

4.4.2 Permit Application

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

- a. Name, address, and location 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 mentioned in Section 2.0 of this Ordinance, as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR, Part 136, as amended.
- d. Time and duration of contribution.
- e. Average daily and 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 plant processes on the premises, including all materials which are or could be discharged.
- h. The nature and concentration of any pollutants in the discharge which are limited by any Authority, Township, PWT, State, or Federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Significant User to meet applicable pretreatment standards.
- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the Significant User will provide such additional pretreatment must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard.

The following conditions shall apply to this schedule:

1. The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required

for the Significant User to meet the applicable pretreatment standards (e.g., installing a sampling manhole, hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

2. No increment referred to in paragraph (1) shall exceed nine (9) months.
 3. No later than 14 days following each date in the schedule and the final date for compliance, the Significant User shall submit a progress report to the PWTA, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the Significant User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the PWTA.
- j. Each product produced by type, amount, process or processes, and rate of production.
 - k. Type and amount of raw materials processed (average and maximum per day).
 - l. Number and type of employees, the hours of plant operation, and the proposed or actual hours of pretreatment system operation.
 - m. Any other information as may be deemed by the PWTA to be necessary to evaluate the permit application.

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

4.4.3 Permit Modifications

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

4.4.4 Permit Conditions

Significant User permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges, and fees established by the PWTAs, Township, and/or Hilltown Authority by way of separate ordinances or resolution. The permit may contain the following:

- a. The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer
- b. Limits on the average and maximum wastewater constituents and characteristics
- c. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization
- d. Requirements for installation and maintenance of inspection and sampling facilities
- e. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule
- f. Compliance schedules
- g. Requirements for submission of technical reports or discharge reports (see Section 4.4.7)
- h. Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the PWTAs and affording the PWTAs access thereto
- i. Requirements for notification of the PWTAs of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater collection system
- j. Requirements for notification of slug discharges as per Section 2.8
- k. Requirements requesting type and amount of raw materials processed (average and maximum per day)
- l. Accidental discharge notification requirements
- m. Other conditions as deemed necessary by the PWTAs and the Township to ensure compliance with this Ordinance

4.4.5 Permit Duration

Permits shall be issued for a specified time period, not to exceed five (5) years. A Significant User shall apply for permit reissuance a minimum of 180 days prior to the expiration of his Significant User's existing permit. The terms and conditions of his permit may be subject to modification by the PWTa during the term of the permit, as limitations or requirements as identified in Section 2 are modified or other just cause exists. A Significant User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.4.6 Permit Transfer

Significant User permits are issued to a specific Significant User for a specific operation. A Significant User permit shall not be reassigned, or transferred, or sold to a new owner, new Significant User, different premises, or a new or changed operation.

4.4.7 Reporting Requirements in Permits

4.4.7.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any Significant User subject to pretreatment standards and requirements shall submit to the PWTa a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the Significant User into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the Significant User and certified by a qualified professional engineer registered in the Commonwealth of Pennsylvania.

4.4.7.2 Periodic Compliance Reports

1. Every Significant User shall submit to the PWTa during the months of June and December, unless required more frequently by the PWTa, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the permit. At the discretion of the PWTa and in consideration of such factors as local high or low flow rates, holiday, budget cycles, etc., the PWTa may agree to alter the months during which the above reports are to be submitted.

2. The PWTa may impose mass limitations on Significant Users which are using dilution to meet applicable pretreatment standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the Significant User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136 and amendments thereto, or with any other EPA-approved test procedures. Sampling shall be performed in accordance with approved techniques.

4.4.8 Monitoring Facilities

The Coordinator and/or Manager shall inspect the facilities of any Significant User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the PWTa's representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying, or in the performance of any of his duties. The PWTa, DER, and the EPA shall have the right to set up on a Significant User's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a Significant User has security measures in force which require proper identification and clearance before entry into his premises, the Significant User shall make necessary arrangements with his security guards so that upon presentation of suitable identification, personnel from the PWTa, DER, or the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

4.5 Pretreatment

Users and Significant Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any equipment or facilities required to pretreat wastewater to a level acceptable to the PWTa 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 PWTa for review and shall be acceptable to the PWTa 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 PWTa under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation, or any change which may result in a new or increased discharge of pollutants shall be reported to and be accepted by the PWTa prior to the User's or Significant User's initiation of the changes.

Annually, the PWTa shall publish in a newspaper of general circulation a list of the Users and Significant Users who failed to comply with pretreatment requirements or standards at least once during the previous 12 months. The notification shall also summarize any enforcement actions taken against the Users and Significant Users by the Township during the same 12 months. Reference: 40 CFR 403.8(f)(2)(VII).

All records relating to compliance with pretreatment standards shall be made available to the Township, Hilltown Authority, PWTa, DER or EPA upon request.

4.6 Confidential Information

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

When requested by the person furnishing a report, those 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 NPDES Permit, State Disposal Permit, and/or the pretreatment programs. Any such portions of a report shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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

5.0 ENFORCEMENT

5.1 Notification of Violation

Whenever the PWTa finds that any User or Significant User has violated or is violating this Ordinance, his User or Significant User permit, or any prohibition, limitation or requirements contained herein, the PWTa shall

notify the Township who shall serve upon such person a written notice, stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Township and the PWTa by the User or Significant User.

5.2 Harmful Contributions

The PWTa may suspend a User or a Significant User permit whenever such suspension is necessary in the opinion of the PWTa or 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 or to the environment, or causes interference to the POTW, or causes the PWTa to violate any condition of its NPDES permit.

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

5.3 Revocation of Permit

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

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

5.4 Right to Appeal

5.4.1 Appeal

A User, upon receipt of notification of suspension or revocation of a User permit or Significant User permit, may appeal the decision in writing to the PWTa Board 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.

5.4.2 Notice of Hearing

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

5.4.3 Method of Decision

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

5.4.4 Action Following Appeal Decision

If the decision of the PWTB Board 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 PWTB.

5.5 Legal Action

If any person discharges sewage, industrial wastes, or other wastes into the system contrary to the provisions of this Ordinance, or otherwise violates any requirement of this Ordinance, Federal or State pretreatment requirements, or any order of the PWTB or the Township, the Township attorney may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Bucks County.

6.0 PENALTY COSTS

6.1 Prosecution and Fines

Any User or Significant User alleged to have violated an order of the Township or to have 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, shall be subject to a fine of up to One Thousand Dollars (\$1000.00) for each offense. Each day on which a violation shall occur or continue to occur shall be deemed to be a separate and distinct offense.

6.2 Civil Remedies

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

6.3 Falsifying Information

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Ordinance or User or Significant User 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 and shall be subject to the fines set forth in Paragraph 6.1.

7.0 AUTHORIZATION PURSUANT TO INTERGOVERNMENTAL COOPERATION ACT TO ENTER INTERJURISDICTIONAL PRETREATMENT AGREEMENT BETWEEN PWTA AND ALL MUNICIPALITIES AND MUNICIPAL AUTHORITIES SERVED BY PWTA

The Board of Supervisors of Hilltown Township are hereby authorized pursuant to the Intergovernmental Cooperation Act (1972 P.L. 762 180 as amended) to provide for the joint cooperation agreement to be deemed in force upon execution of an Interjurisdictional Pretreatment Agreement between PWTA and Hilltown Township, East Rockhill Township, West Rockhill Township, Sellersville Borough, Telford Borough, Perkasio Borough, Silverdale Borough, Perkasio Borough Authority, Telford Borough Authority, and Hilltown Township Water and Sewer Authority to provide for the adoption and enforcement of certain rules, regulations, ordinances, and amendments to implement the enforcement of an Industrial Pretreatment program, and to enter into such agreements providing the legal authority for the performance and enforcement of the implementation of the Industrial Pretreatment program.

The Township shall join with the other named local governmental units in accordance with the Intergovernmental Cooperation Act and enter into an Interjurisdictional Pretreatment Agreement between said parties containing such terms and conditions as are acceptable to Township, and which is adopted hereby by reference with the same effect as if it had been set out verbatim in this Section and a copy of which shall be filed with the minutes of the meeting at which this Ordinance is adopted.

As required by the Intergovernmental Cooperation Act, the following matters are specifically found and determined;

- a. The conditions of the Agreement are as set forth in the Inter-jurisdictional Agreement referred to herein;
- b. The Townships participation within the Agreement shall be terminable at such time as the Industrial Pretreatment program is terminated.

8.0 SEVERABILITY

If any provision, paragraph, word, section, or article of this Ordinance is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

9.0 CONFLICT

All other Ordinances and parts of other Ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

10.0 EFFECTIVE DATE

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

ADOPTED this 2nd day of March, 1990, by Hilltown Township Board of Supervisors.

HILLTOWN TOWNSHIP BOARD OF
SUPERVISORS

Wm H. Bennett
Kenneth B. Benz
Betty J. Kelly