



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

SEP 24 2008

Mr. Ronald G. Wagenmann
Township Manager
Upper Merion Township Municipal Utility Authority
175 West Valley Forge Road
King of Prussia, PA 19406-1802

Re: Public Notice No. PA-320-SGC
NPDES Nos. PA0026085 & PA0026131

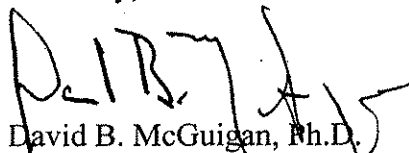
Dear Mr. Wagenmann:

I am pleased to approve the modification to the legal authority of the Upper Merion Township Municipal Utility Authority's pretreatment program, in accordance with the General Pretreatment Regulations (40 C.F.R. 403). This modification involves revisions to the technically-based local limits. The request for these revised limits was submitted to the Environmental Protection Agency (EPA) on May 18, 2007. EPA advised the Authority of the acceptability of these revised limits on June 22, 2007. On July 30, 2008, EPA received a letter from the Borough containing proof of adoption of the accepted limits by the Township and the contributing jurisdiction. The intention to approve this modification was announced by EPA to the public on August 14, 2008, and no comments were received.

The EPA's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The implementation of the Upper Merion Township Municipal Utility Authority pretreatment program must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please contact Stephen Copeland at (215) 814-5792.

Sincerely,


David B. McGuigan, Ph.D.
Associate Division Director
Office of NPDES Permits and Enforcement
Water Protection Division

cc: Janet Serfass, Pretreatment Coordinator, Upper Merion Township
Jenifer Fields, PADEP, Southeast Region

RECEIVED
SEP 25 2008

PUBLIC WORKS/SAFETY & CODES
UPPER MERION TOWNSHIP





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

Ms. Janet Serfass
MIPP Administrator
Upper Merion Township
175 West Valley Forge Road
King of Prussia, PA 19406-1802

AUG - 7 2008

Re: Pretreatment Program – Streamlining Revisions
NPDES Nos. PA0026085 & PA0026131

Dear Ms. Serfass:

This letter is to advise you that the revisions to the Pretreatment Program that the Upper Merion Township implements are hereby approved. These revisions were made in response to the Streamlining Revisions promulgated by the Environmental Protection Agency (EPA) on October 14, 2005. The revisions were submitted to EPA on November 14, 2006. EPA reviewed the changes and advised the Township of certain additional revisions needed for the Enforcement Response Plan and the IU permit language, in a November 15, 2006 letter. The Township submitted the additional changes and EPA advised the Township of additional permit language changes on February 28, 2007. On July 30, 2008, the Township submitted acceptable versions of the revisions and proof of adoption by the Township and Tredyffrin Township, on June 21, 2007 and April 7, 2008, respectively. Since Ordinance changes that are in conformance with federal regulations are not considered substantial program modifications, in accordance with 40 CFR § 403.18, EPA is not required to Public Notice this approval.

The Environmental Protection Agency's General Pretreatment Regulations describe the local pretreatment responsibilities based on the Clean Water Act. The implementation of the Upper Merion Township pretreatment program must be consistent with these regulations and your approved program.

If this Agency can be of any assistance to you in administering this program, please feel free to contact us.

Sincerely,

For

David McGuigan, Ph.D.
Associate Director
Office of NPDES Permits and Enforcement
Water Protection Division

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AUG 08 2008

PUBLIC SAFETY & CODES
UPPER MERION TOWNSHIP

cc: Ronald G. Wagenmann, Executive Secretary, Upper Merion Municipal Utility Authority
Jenifer Fields, PADEP, Southeast Region

ORDINANCE NO. 2007 – 762

AN ORDINANCE OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING ORDINANCE 93-614, AS PREVIOUSLY AMENDED BY ORDINANCES 2000-704, 2002-721, 2005-741, WHICH PROVIDES UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF UPPER MERION TOWNSHIP TO INCORPORATE REVISIONS MADE TO THE FEDERAL PART 403 REGULATIONS.

The Board of Supervisors of Upper Merion Township hereby ordain:

1. The definitions, abbreviations and acronyms used in this Ordinance shall be the same as those found in Chapter 133, §§ 133-36 and 133-37 of the Upper Merion Township Code of Ordinances, Township Ordinance No. 93-614 (also referred to as the Township's Sewer Use Ordinance [SUO]).

2. Slug Control.

a. Definition No. 41 on Page No. 9 of Ordinance No. 93-614, codified at SUO § 133-36, is amended to read as follows:

Slug Discharge – Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the Township's regulations, prohibited discharge standards in this Ordinance, local limits or NPDES permit conditions.

b. Section 3.3 on Page No. 17 of Ordinance No. 93-614, codified at SUO § 133-46, is amended to read as follows:

An Accidental Discharge/Slug Control Plan, as prescribed under 40 CFR 408.8(f)(2)(vi), may be required:

(1) For all New Sources/New Users. Where required by the Director of Public Works, detailed plans showing facilities and operating procedures to provide protection from accidental discharges or slugs shall be submitted to the Township for review; and shall be approved by the Township before construction of the facility.

(2) For Existing Sources/New Users. The Director of Public Works shall evaluate whether each new User needs an Accidental Discharge/Slug Control Plan within one year of the date on inclusion in the Industrial Pretreatment Program.

(3) For Existing Sources/Existing Users. The Director of Public Works shall evaluate whether each user needs an Accidental Discharge/Slug Control Plan on a routine basis.

If an Accidental Discharge/Slug Control Plan is required, the Director of Public Works may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Director of Public Works may develop such a plan for any User. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:

(1) Description of discharge practices, including non-routine batch discharges;

(2) Description of stored chemicals;

(3) Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge;

(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

When an existing source is required by the Director of Public Works to provide and/or modify an Accidental Discharge/Slug Control Plan, the user shall provide the plan within 60 days of notification. Should the plan require construction or implementation of measures to meet compliance, the plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the Director of Public Works within 30 days. Failure to submit a revised plan and/or failure to provide a complete plan after the 30-day submission period may render the wastewater discharge permit void.

The Township's review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the user's facility as necessary to meet the requirements of this Ordinance.

If not specifically required by the Director of Public Works, the information, requirements, etc., called for in a plan are not waived by the Township and the User shall, in their own and sole judgment provide all necessary items, procedures, etc., to prevent any accidental discharge and/or slug discharge to the POTW.

All Users are required to notify the Township immediately of any changes at their facilities affecting the potential for an accidental discharge and/or slug discharge to the POTW.

3. Significant Noncompliance (SNC).

a. Definition No. 40 on Page Nos. 8 & 9 of Ordinance No. 93-614, codified at SUO § 133-36, is amended to read as follows:

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

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Director of Public Works determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Township personnel or the general public).

(4) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Director of Public Works' exercise of his emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules

(7) Failure to accurately report noncompliance.

(8) Any other violation(s), which may include violation of Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

b. Section 9.0 on Page No. 34 of Ordinance No. 93-614, codified at SUO § 133-79, is amended to read as follows:

The Director of Public Works shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term significant noncompliance shall mean:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of Wastewater measurements taken during a 6-month period exceed (by any magnitude) a numeric pretreatment standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Director of Public Works determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Township personnel or the general public).

(4) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Director of Public Works' exercise of his emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules

(7) Failure to accurately report noncompliance.

(8) Any other violation(s), which may include violation of Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

4. Best Management Practices (BMPs).

a. Add a new Definition No. 53 on Page No. 10 of Ordinance No. 93-614, codified at SUO § 133-36, which reads as follows:

Best Management Practices (BMPs) – The term Best Management Practices (or BMPs) means schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

b. Add a new Section 2.10 on Page No. 16 of Ordinance No. 93-614, codified at SUO § 133, which reads as follows:

Best Management Practices (BMPs) - The Township, at its sole discretion, may develop BMPs to comply 40 CFR 403.5(c)(1) and (2). Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(d) of the Clean Water Act. The Township, also at its sole discretion, may allow a User to implement BMPs to meet the prohibitions listed in 40 CFR 403.5(a)(1) and (b).

c. Add a new Section 6.4(D) on Page No. 29 of Ordinance No. 93-614, codified at SUO § 133-66, which reads as follows:

D. If a User must implement a BMP to comply with federal pretreatment standards or requirements or any other condition of this Ordinance, the user shall submit any and all documentation required by the Township to the Director of Public Works at the frequency specified by the Township to evaluate compliance. The Township may also require any user to submit any information or data at any frequency it deems necessary to determine compliance with this Ordinance.

d. Section 6.12 on Page No. 31 of Ordinance No. 93-614, codified at SUO § 133-74, is amended to read as follows:

Record Keeping – Users subject to the reporting requirements of this Ordinance shall maintain, and make available for inspection and copying by the Director of Public Works, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, records associated with implementation of BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses and any other information or data deemed necessary by the Township. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Township, or where the user has been specifically notified of a longer retention period by the Director of Public Works.

5. Sampling Requirements.

a. Add a new Section 6.10(C) on Page No. 31 of Ordinance No. 93-614, codified at SUO § 133-72, which reads as follows:

C. The Director of Public Works may allow grab samples for certain parameters to be composited in the laboratory prior to analysis.

6. In all other respects, Ordinance 93-614, as amended, remains in full force and effect.

ORDAINED and ENACTED by the Board of Supervisors of Upper Merion Township on the 21 day of June, 2007

BOARD OF SUPERVISORS OF
UPPER MERION TOWNSHIP

Attest:


Secretary

BY: 

Chairman

Proposed Ordinance advertised in the Times Herald: June 5, 2007 & June 12, 2007
Proof of Publication Dated: June 15, 2007
Hearing Held: June 21, 2007
Ordinance adopted as Ordinance No. 2007-762 on June 21, 2007
Ordinance entered on June 26, 2007

ORDINANCE NO. HR-369

**TREDYFFRIN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

AN ORDINANCE OF TREDYFFRIN TOWNSHIP AMENDING CHAPTER 163, ARTICLE V, SECTIONS 163-26 AND 163-71 OF THE TOWNSHIP CODE, PERTAINING TO THE PORTION OF THE SEWER SYSTEM TRIBUTARY TO THE UPPER MERION TOWNSHIP SEWAGE TREATMENT WORKS, TO ADD A DEFINITION FOR "BEST MANAGEMENT PRACTICES", AMEND DEFINITIONS FOR "SIGNIFICANT NONCOMPLIANCE" AND "SLUG DISCHARGE", AND AMEND PUBLICATION REQUIREMENTS .

BE IT ENACTED AND ORDAINED by the Board of Supervisors of Tredyffrin Township as follows:

SECTION I: Chapter 163, Article V, Section 163.26 is hereby amended by deleting in their entirety definitions for "Significant Noncompliance" and "Slug Discharge" and adding the definitions below, in correct alphabetical sequence.

BEST MANAGEMENT PRACTICES – Schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

The control authority, at its sole discretion, may develop BMPs to comply with 40 CFR 403.5(c)(1) and (2). Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(d) of the Clean Water Act. The control authority, at its sole discretion, may allow a user to implement BMPs to meet the prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Non-compliance with BMPs shall be considered exceedances of permit limits and enforcement will be implemented in accordance with the steps shown for "discharge limit violations" in the Summary of Enforcement Response Procedures.

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
- D. Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under of this article to halt or prevent such a discharge.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained wastewater discharge permit or in an enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within 45 days after the due date, any required reports including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations, which may include violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG DISCHARGE -- Any pollutant release in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, prohibited discharge standards in this Article, local limits or NPDES permit conditions.

SECTION II. The first paragraph of Section 163.71 of Chapter 163, Article V is hereby deleted and replaced with the following:

The control authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant noncompliance" shall mean:


SECTION III: Effective Date.

This Ordinance shall become effective thirty-one (31) days from enactment.

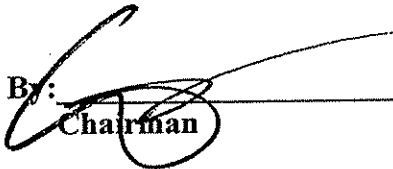
ENACTED and ORDAINED this 7th day of April, 2008 by the Board of Supervisors of Tredyffrin Township.

**BOARD OF SUPERVISORS
TREDYFFRIN TOWNSHIP**

ATTEST:



Manager

By: 

Chairman

RESOLUTION NO. 2007 – 23

A RESOLUTION OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING RESOLUTION 94-28, AS PREVIOUSLY AMENDED BY RESOLUTIONS 95-55, 2002-29, 2002-30 AND 2004-32, WHICH PROVIDES FOR A UNIFORM ENFORCEMENT RESPONSE PLAN AND ENFORCEMENT PROCEDURES FOR VIOLATIONS OF THE TOWNSHIP'S WASTEWATER PRETREATMENT REQUIREMENTS; AND TO INCORPORATE REVISIONS MADE TO THE FEDERAL PART 403 REGULATIONS.

The Board of Supervisors of Upper Merion Township hereby ordain:

1. The definitions, abbreviations and acronyms used in this Resolution shall be the same as those found in Chapter 133, §§ 133-36 and 133-37 of the Upper Merion Township Code of Ordinances, Township Ordinance 93-614 as amended by Ordinances 2000-704, 2002-721 and 2005-741 (also referred to as the Township's Sewer Use Ordinance [SUO]).

2. Significant Noncompliance (SNC).

a. Definition No. 15 on Page No. 4 of Resolution No. 94-28, codified at SUO § 133-36, is amended to read as follows:

Significant Noncompliance (SNC) – An industrial user or user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(viii). For purposes of this definition, a user is in significant noncompliance if its violations meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).

(2) Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant

parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3 (1) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Director of Public Works determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of Township personnel or the general public).

(4) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Director of Public Works' exercise of his emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation(s), which may include violation of Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

3. Slug Control.

a. Definition No. 16 on Page No. 5 of Resolution No. 94-28, codified at SUO § 133-36, is amended to read as follows:

Slug Discharge – Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the Township's regulations, prohibited discharge standards in the Sewer Use Ordinance, local limits or NPDES permit conditions.

4. Best Management Practices (BMPs).

a. Add a new Definition No. 18 on Page No. 5 of Resolution No. 94-28, codified at SUO § 133-36, which reads as follows:

Best Management Practices (BMPs) – The term Best Management Practices (or BMPs) means schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

The Township, at its sole discretion, may develop BMPs to comply 40 CFR 403.5(c)(1) and (2). Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(d) of the Clean Water Act. The Township, also at its sole discretion, may allow a User to implement BMPs to meet the prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Non-compliance with BMPs shall be considered exceedances of permit limits and enforcement will be

implemented in accordance with the steps shown for "Discharge Limit Violations" in the Summary of Enforcement Response Procedures.

5. Public Notification and Reporting of SNC.

a. The first paragraph in Section F on Page No. 12 of Resolution No. 94-28, codified at SUO § 133-79, is deleted and replaced with the following language:

The Director of Public Works shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements.

6. In all other respects, Resolution 94-28, as amended, remains in full force and effect.

ENACTED this 21 day of June, 2007.

**BOARD OF SUPERVISORS OF
UPPER MERION TOWNSHIP**

BY: 

Chairman

Attest: 

Secretary

RESOLUTION

**TREDYFFRIN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA**

**A RESOLUTION OF TREDYFFRIN TOWNSHIP
AMENDING CERTAIN DEFINITIONS UNDER THE TOWNSHIP'S
WASTEWATER TREATMENT ORDINANCE**

Whereas the definitions, abbreviations, and acronyms used in this Resolution shall be the same as those found in the Tredyffrin Township wastewater treatment ordinance, Tredyffrin Township Code § 163-24 *et seq.* (the "wastewater ordinance");

Whereas Tredyffrin Township (the "Township") has entered into an agreement (the "Agreement") with Upper Merion Township ("Upper Merion") requiring periodic and uniform modifications to certain sections of the Township's wastewater ordinance;

Whereas such periodic and uniform modifications to those sections of the Township's wastewater ordinance are required to maintain compliance with the rules and regulations of the United States Environmental Protection Agency (the "EPA");

Whereas the federal Part 403 regulations applicable to certain definitions under the wastewater ordinance have been amended; and

Whereas the Township is required to adopt via a resolution the same amended definitions.

THEREFORE, the definitions included in the wastewater ordinance are amended as follows:

A. Significant Noncompliance (SNC)

1. The definition of "SIGNIFICANT NONCOMPLIANCE" in Section 163-26 of the Tredyffrin Township Code is amended to read as follows:

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

- (a) Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of Wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1).

- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease; and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Director of Public Works determines has caused alone or in combination with other discharges, interference or pass through (including endangering the health of Township personnel or the general public);
- (d) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Director of Public Works' exercise of his emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include violation of Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

B. Slug Discharge

1. The definition of "SLUG DISCHARGE" in Section 163-26 of the Tredyffrin Township Code is amended to read as follows:

SLUG DISCHARGE – Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the Township's regulations, Local Limits, or NPDES permit conditions.

C. Best Management Practices (BMPs)

1. Section 163-26 of the Tredyffrin Township Code is amended to add a new definition, which reads as follows:

Best Management Practices (BMPs) – The term Best Management Practices (or BMPs) means schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

The Township, at its sole discretion, may develop BMPs to comply with 40 CFR 403.5(c). Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of 40 CFR 403 and Section 307 (d) of the Clean Water Act. The Township, also at its sole discretion, may allow a User to implement BMPs to meet the prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Non-compliance with BMPs shall be considered exceedances of permit limits and enforcement will be implemented in accordance with the steps shown for “Discharge Limit Violations” in the Summary of Enforcement Response Procedures.

D. Publication of Users In Significant Noncompliance

1. The language of Section 163-71 of the Tredyffrin Township Code is deleted and replaced with the following language:

The Director of Public Works shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, during the previous twelve (12) months, were in SNC with applicable Pretreatment Standards and Requirements.

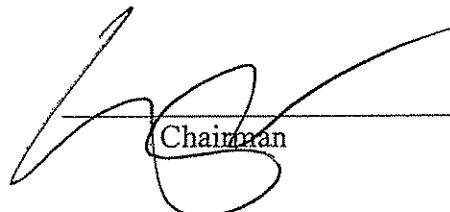
THE FOREGOING IS RESOLVED by the Board of Supervisors of Tredyffrin Township on this 19th day of November, 2007.

**TREDYFFRIN TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:



Township Manager



Chairman

RESOLUTION NO. 2007 - 28

A RESOLUTION OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY PENNSYLVANIA, IN ACCORDANCE WITH ORDINANCE 93-614 WHICH PROVIDES UNIFORM REQUIREMENTS FOR USERS OF THE TOWNSHIP'S WASTEWATER TREATMENT AND COLLECTION SYSTEM TO ESTABLISH REVISED SPECIFIC POLLUTANT DISCHARGE LIMITATIONS REFERRED TO AS LOCAL LIMITS SET FORTH IN EXHIBIT A WHICH IS ATTACHED HERETO AND MADE PART HEREOF.

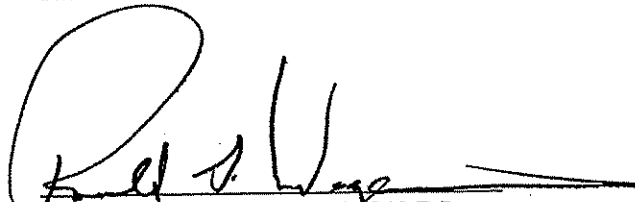
The definitions, abbreviations and acronyms used in this Resolution shall be the same as those found in Township Ordinance No. 93-614 (also referred to as the Township's Sewer Use Ordinance [SUO]).

Pursuant to the provisions of National Pollutant Discharge Elimination System (NPDES) Permit Nos. PA 0026085 and PA 0026131 Upper Merion Township submitted a new Specific Pollutant Discharge Limitation (local limits) evaluation to the United States Environmental Protection Agency (USEPA) on May 18, 2007 and after response to USEPA's comments on the local limits evaluation it was accepted by USEPA on June 25, 2007. Exhibit A contains the new local limits derived through the evaluation.

THEREFORE, the local limits attached hereto as Exhibit A are and shall be adopted as the local limits of Upper Merion Township in accordance with Section 2.9 of Ordinance No. 93-614 and USEPA requirements.

THE FOREGOING IS RESOLVED by the Board of Supervisors of Upper Merion Township on this 25th **DAY OF** October, 2007.

ATTEST:


RONALD G. WAGENMANN,
TOWNSHIP MANAGER/
SECRETARY-TREASURER

UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS



SCOTT SIBLEY
CHAIRMAN

EXHIBIT A

UPPER MERION TOWNSHIP'S SPECIFIC POLLUTANT DISCHARGE LIMITATIONS (LOCAL LIMITS) FOR SEWAGE DISCHARGES DERIVED MAY 2007

Pollutant	Local Limit (mg/l)
Arsenic	0.461
Cadmium	0.309
Chromium (total)	5.548
Copper	0.720
Lead	0.389
Mercury	0.020
Nickel	1.140
Silver	0.172
Zinc	1.050
Cyanide (total)	0.950
pH	6.0 to 10.0 std. units

The Township reserves the right to apply the local limits listed above to any User's wastewater discharge which is not composed of strictly domestic sewage.

The local limits listed above are the highest allowable concentration in any type of sample, either a grab or composite, collected over any time interval.

The local limits listed above apply at the point where the wastewater is discharged to the Township's sewer system or at the point designated by the Industrial Pretreatment Coordinator.

The Township reserves the right to establish alternate local limits in individual Wastewater Discharge Permits, but only in accordance with regulatory requirements. At no time will the summation of the Industrial Users' discharges for a specific pollutant be greater than the allowable wastewater treatment facility headworks loading as determined in the Township's most recent USEPA approved local limits evaluation. The local limits, if more stringent than the National Categorical Standards shall immediately supersede the National Categorical Standards.

RESOLUTION

TREDYFFRIN TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

A RESOLUTION OF TREDYFFRIN TOWNSHIP PROVIDING FOR
LOCAL LIMITS FOR POLLUTANT DISCHARGES

Whereas the definitions, abbreviations, and acronyms used in this Resolution shall be the same as those found in the Tredyffrin Township wastewater treatment ordinance, Tredyffrin Township Code § 163-24 *et seq.* (the "wastewater ordinance");

Whereas Tredyffrin Township (the "Township") has entered into an agreement (the "Agreement") with Upper Merion Township ("Upper Merion") requiring periodic and uniform modifications to certain sections of the Township's wastewater ordinance;

Whereas such periodic and uniform modifications to those sections of the Township's wastewater ordinance are required to maintain compliance with the rules and regulations of the United States Environmental Protection Agency (the "EPA");

Whereas Upper Merion and the EPA have determined through an evaluation process that new local limits for specific pollutant discharges for users of the Township's wastewater treatment and collection system (the "Local Limits") are required, attached hereto as Exhibit A; and

Whereas the Township is required to adopt via a resolution the same Local Limits.

THEREFORE, the Local Limits attached hereto as Exhibit A are and shall be adopted as the Local Limits of Tredyffrin Township in accordance with Section 163-35 of the Tredyffrin Township Code and EPA requirements.

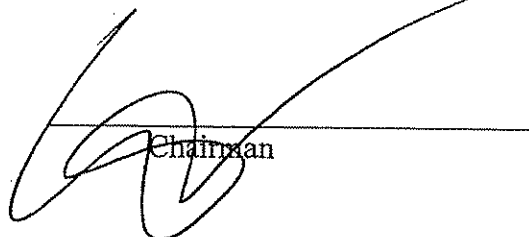
THE FOREGOING IS RESOLVED by the Board of Supervisors of Tredyffrin Township on this 19th day of November, 2007.

TREDYFFRIN TOWNSHIP
BOARD OF SUPERVISORS

ATTEST:



Township Manager



Chairman

EXHIBIT A

TREDYFFRIN TOWNSHIP'S LOCAL LIMITS FOR SPECIFIC POLLUTANT DISCHARGES

Pollutant	Local Limit (mg/l)
Arsenic	0.461
Cadmium	0.309
Chromium (total)	5.548
Copper	0.720
Lead	0.389
Mercury	0.020
Nickel	1.140
Silver	0.172
Zinc	1.050
Cyanide (total)	0.950
pH	6.0 to 10.0 std. units

Tredyffrin Township (the "Township") reserves the right to apply the local limits listed above to any User's wastewater discharge which is not composed of strictly domestic sewage.

The local limits listed above are the highest allowable concentration in any type of sample, either a grab or composite, collected over any time interval.

The local limits listed above apply at the point where the wastewater is discharged to the Township's sewer system or at the point designated by the Industrial Pretreatment Coordinator.

The Township reserves the right to establish alternate local limits in individual Wastewater Discharge Permits, but only in accordance with regulatory requirements. At no time will the summation of the Industrial Users' discharges for a specific pollutant be greater than the allowable wastewater treatment facility headworks loading as determined in the Township's most recent United States Environmental Protection Agency approved local limits evaluation. The local limits, if more stringent than the National Categorical Standards shall immediately supersede the National Categorical Standards.

RESOLUTION
2002- 30

UPPER MERION TOWNSHIP
ENFORCEMENT RESPONSE PLAN
AND ENFORCEMENT PROCEDURES

Upper Merion Township adopted Resolution No. 94-28, Enforcement Response Plan and Enforcement Procedures, on May 5, 1994 pursuant to Resolution No. 94-28.

Resolution No. 94-28 is amended herewith by adding to the "Enforcement Procedures" the following to Section E – Enforcement Responses as Subsection E.6 as follows:

Section E-6: Procedure for Enforcement Actions Requiring Fines.

Fees associated with Enforcement Actions

The Township, in an effort to develop consistency when issuing enforcement notices, will implement the following fine scale for enforcement actions involving monthly monitoring and reporting for local limit parameters subject to modification by the Township upon cause:

First Offense	-	written notice, no associated fees
Second Offense	-	\$250/month
Third Offense	-	\$500/month
Fourth Offense	-	\$1,000/month

Fines will continue to double after the fourth offense, assessed separately for each individual parameter or reporting requirement in non-compliance. The amount of fines assessed will return to a First Offense after a period of twelve (12) months has elapsed with no violations for that given parameter or requirement for the facility.

1. While an industry is under an Administrative Compliance Order (ACO), no additional fines will be assessed for that parameter.
2. A guide which can be used to assess whether or not the Township will consider a conventional discharge limit to be a slug load is the criteria used in determining "significant non-compliance" as defined in Section 133-36B of Chapter 133 of the Upper Merion Township Code of Ordinances.
3. Capital costs invested into a pretreatment device to correct a problem may be taken into consideration if a fine is appealed.
4. A calendar year will be used to determine monthly violations and establish a compliance history.

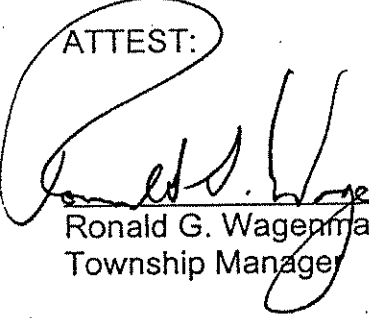
5. Completion of an ACO will not return the facilities compliance history to an initial violation. A twelve (12) month period of data will need to be reviewed to determine if the Order has been successfully implemented.

6. When this procedure is implemented, the facility will be fined according to the number of previous offenses, which have been incurred in the facilities past twelve (12) month reporting period.

BE IT RESOLVED, this 25th day of April, 2002 by the Board of Supervisors of Upper Merion Township.

ATTEST:

UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS


Ronald G. Wagenmann
Township Manager


Chairman

RESOLUTION
95-55

UPPER MERION TOWNSHIP
INDUSTRIAL PRETREATMENT PROGRAM
INDUSTRIAL USER PERMIT FEES

Upper Merion Township ("Township") operates two (2) Water Pollution Control Centers ("WPCCs") for the treatment of wastewater. The WPCCs operate pursuant to National Pollutant Discharge Elimination System (NPDES) Permits Number PA0026085 and PA0026131 issued by the Commonwealth of Pennsylvania Department of Environmental Protection ("PaDEP").

Pursuant to the provisions of the NPDES permits, including but not limited to subsections c (6) through e (6), the Township is required to administer an Industrial Pretreatment Program. This program includes industrial users who contribute process wastewater flow into the sanitary sewer system which is treated at the WPCCs.

The Industrial User Pretreatment Program is based upon the Code of Federal Regulations 40 CFR part 403 and is set forth in the Township's approved Sewer Use Ordinance No. 93-614 (the "Ordinance").

Pursuant to Section 14 of the Ordinance, Upper Merion Township has established a fee structure to operate the Industrial User Pretreatment Program. The fee structure is set forth in Exhibit "A" and is adopted by this Resolution. The fee structure shall be effective as of January 1, 1996. The fees set forth in Exhibit "A" include fees for reimbursement of costs for operating the Township Pretreatment Program, as well as monitoring, inspection and surveillance procedures. The costs for associated activities are based upon the Industrial User Classification which is set forth in Section 1.3 (39) of the Ordinance for Significant Industrial Users as set forth in this Resolution.

Industrial Users classified as SIU2 shall include facilities that may generate process wastewater which contain metals or volatile organic compounds at a daily loading less than that allowed for Significant Industrial Users but which have a reasonable potential for adversely affecting POTW operation or for violating any pollutant standard or requirement. The process of a SIU2 which generates wastewater containing such pollutants is recognized as a non categorical process.

Industrial Users classified as SIU3 shall include facilities that may generate non domestic process wastewater which may contain conventional pollutants as defined under Section 1.3 (4), (29), and (46). In addition, the processes of Industrial Users classified as SIU3 which generate wastewater conventional pollutants is currently recognized as a non categorical process.

EXHIBIT "A"

Upper Merion Township
Pretreatment Program
Industrial Users Fee Structure

(Classification (CIU or SIUX) + Sampling Requirements Costs = Total Allocation per Quarter

CIU = Categorical Industrial Users \$1400 per quarter.

SIU = Significant Industrial Users \$1150 per quarter.

SIU2= Class two (2) Industrial Users \$ 350 per quarter*.

SIU3= Class three (3) Industrial Users \$ 250 per quarter*.



Sampling costs include: sampling crew, confined space entrance protective gear and laboratory services
The sampling cost for conventional parameters is \$ 2000 per quarter
The sampling cost metals, volatile organic compounds and others is \$ 3000 per quarter

- * SIU2 and SIU3 as defined by the Township in this resolution.

ORDINANCE NO. 2002- 721

AN ORDINANCE OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING CHAPTER 133, SEWERS, INCORPORATING PROVISIONS OF 40 CFR, CODE OF FEDERAL REGULATIONS, SECTION 403.8, AMENDING THE DEFINITION OF WASTEWATER CONTAINING pH IN SECTION 133-38B(2) AND THE CONCENTRATIONS OF FATS, OILS AND GREASES IN SECTION 133-38B(17) AMENDING THE APPLICATION OF NATIONAL CATEGORICAL PRE-TREATMENT STANDARDS IN SECTION 133-39, AND AMENDING SECTION 133-95G WITH REFERENCE TO APPEALS.

The Board of Supervisors of the Township of Upper Merion hereby ordains:

Section 1. The Code of the Township of Upper Merion, Chapter 133 thereof, entitled "Sewers," is hereby amended in the manner following:

A. Section 133-38B(2) is amended to read as follows: Wastewater having a pH less than 6.0 to more than 10.0 or otherwise causing corrosive, structural damage to the POTW or equipment.

B. Section 133-38B(17) is amended to read as follows: Fats, oils or greases of animal or vegetable origin in concentrations greater than 100 mg/l.

C. Section 133-39 is amended so that the first sentence thereof shall read as follows: The categorical pre-treatment standards now found or hereafter found at 40 CFR, Chapter 1, Subchapter N, are hereby incorporated in this article by reference as though set forth in full and shall apply to significant industrial users, including categorical industrial users, pursuant to the definitions set forth in this article and as set forth in Resolution No. 95-55 of Upper Merion Township.

D. Section 133-35 is amended by adding Paragraph D as follows: "The Township shall administer this Ordinance according to the provisions of 40 CFR, Part 403, Section 403.8(f) with respect to program development and implementation by the POTW.

E. Section 133-95G is amended to read as follows: "Appeal." An industrial user assessed with a civil penalty under the terms of this section shall have the right to file an appeal to contest either the amount of the penalty or the fact of the violation, within thirty (30) days of the assessment of the civil penalty, pursuant to 2 Pa.C.S.A. Section 101 et. seq. (relating to administrative law and

procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

Section 2. Any and all ordinances which conflict herewith are hereby repealed.

Section 3. This Ordinance shall take full force and effect immediately after this date of final passage and approval.


ENACTED AND ORDAINED by the Board of Supervisors of the Township of Upper Merion on this 25th day of April, 2002.

BOARD OF SUPERVISORS OF
UPPER MERION TOWNSHIP

BY: 

Chairman

ATTEST:


Ronald G. Wagenmann
Township Manager

Advertised Proposed Ordinance in Times Herald: April 17, 2002
Proof of Publication Dated: April 26, 2002
Ordinance Adopted: April 25, 2002
Ordinance Entered: April 27, 2002 as Township Ordinance No. 2002-721

RESOLUTION NO. 2004-32

A RESOLUTION REPEALING UPPER MERION TOWNSHIP RESOLUTION NO. 95-56, BEING THE INDUSTRIAL USER SURCHARGE FEE RESOLUTION, AND PROVIDING FOR THE DISCHARGE OF CERTAIN HIGH STRENGTH WASTEWATERS TO THE TOWNSHIP PUBLICLY OWNED TREATMENT WORKS AND ESTABLISHING THE CALCULATION OF COSTS FOR THE TREATMENT OF THESE WASTEWATERS.

Pursuant to and in accordance with Section 133-100B of Township Ordinance 93-614, the Board of Supervisors resolves as follows:

1. The Board of Supervisors of Upper Merion Township hereby ordains that Resolution No. 95-56 be repealed.
2. The definitions, abbreviations and acronyms used in this Ordinance shall be the same as those found in Township Ordinance No. 93-614 (also referred to as the Township Sewer Use Ordinance).
3.
 - a. The Board of Supervisors of Upper Merion Township will allow a User to discharge wastewater to its Publicly Owned Treatment Works (POTW) having concentrations of Five Day Carbonaceous Biochemical Oxygen Demand (CBOD₅), total suspended solids (TSS) and ammonia-nitrogen (NH₃-N) in excess of the average concentration of these pollutants in domestic sewage in accordance with the provisions of this Resolution and Ordinance 93-614.
 - A. CBOD₅ – 250 mg/L;
 - B. TSS – 250 mg/L;
 - C. NH₃-N – 30 mg/L.
 - b. Hereinafter, wastewater having concentrations of CBOD₅, TSS and NH₃-N in excess of the average concentration of these pollutants in domestic sewage may also be referred to as "high strength wastewater".
 - c. The discharge of high strength wastewater to the Township POTW shall be prohibited if the discharge violates or has the potential to violate any of the narrative prohibitions found in Sections 2.2(c), (d), (m) and (s) of Township Ordinance 93-614 (also referred to as the Township's Sewer Use Ordinance) or any other provision of that Ordinance.
 - d. There shall be additional charges imposed by the Township for the treatment of high strength wastewater discharged by a User.
4. In order to determine the additional charges for the treatment of high strength wastewater discharged to the Township POTW (also referred to as the high

strength wastewater surcharge or simply surcharge), the following formulas shall be used:

$$S_{Q1} = 8.34 \times Q_d \times \{(DCBOD_5 - 250) \times TC_{CBOD_5}\} - \text{Additional charge for } CBOD_5 \text{ treatment;}$$

$$S_{Q2} = 8.34 \times Q_d \times \{(DTSS - 250) \times TC_{TSS}\} - \text{Additional charge for TSS treatment;}$$

$$S_{Q3} = 8.34 \times Q_d \times \{(DNH_3N - 30) \times TC_{NH_3N}\} - \text{Additional charge for } NH_3\text{-N treatment;}$$

$$S_{QT} = S_{Q1} + S_{Q2} + S_{Q3};$$

Where:

- A. S_{QT} is the surcharge to be added to the User's basic sewer bill, calculated on a quarterly basis (Quarters defined as periods Jan 1 thru Mar 31, Apr 1 thru Jun 30, Jul 1 thru Sep 30 and Oct 1 thru Dec 31). The surcharge shall be based on the total pounds of $CBOD_5$, TSS and $NH_3\text{-N}$, greater than that of domestic sewage, discharged by the User during the quarter.
- B. 8.34 is a constant to convert concentrations expressed in mg/L to pounds.
- C. Q_d is the quarterly total wastewater flow for the User expressed in million gallons. This value shall be calculated based on the total water use at the facility for the quarter unless the User can provide an accurate measurement of the quarterly total wastewater flow from a properly designed, installed, operated and maintained effluent flow meter. Flow meter calibration records shall be provided to the Township MIPP Coordinator upon request. Flow measurements from water use Deduct meters will be considered on a case by case basis and their use in the surcharge calculations will be at the sole discretion of the Township MIPP Coordinator. Any meter installations must be in accordance with all applicable Township requirements.
- D. $DCBOD_5$, $DTSS$ and DNH_3N are the respective quarterly average concentrations of $CBOD_5$, TSS and $NH_3\text{-N}$ in the User's wastewater expressed in mg/L. These values will be determined by periodic sampling of the User's wastewater and the completion of laboratory analyses on the wastewater samples. Samples must be collected and analyzed in accordance with State and Federal Requirements and at a frequency determined by the Township MIPP Coordinator which is appropriate to properly characterize the quality of the User's wastewater. The results of analyses on all samples, resamples, split samples obtained by the Township or User for the quarter shall be averaged to determine $DCBOD_5$, $DTSS$ and DNH_3N . Results from samples which were not collected or analyzed following State and Federal protocols will not be considered. The User shall be responsible for all costs for sampling and analyses associated with the calculation of high strength wastewater surcharges.

- E. 250, 250 and 30 are constants which express the waste load concentrations in mg/L for domestic sewage.
- F. TC_{CBOD_5} is the treatment cost calculated by the Township for every pound of $CBOD_5$. This cost will be updated at intervals deemed appropriate by the Township.
- G. TC_{TSS} is the treatment cost calculated by the Township for every pound of TSS. This cost will be updated at intervals deemed appropriate by the Township.
- H. TC_{NH_3-N} is the treatment cost calculated by the Township for every pound of NH_3-N . This cost will be updated at intervals deemed appropriate by the Township.

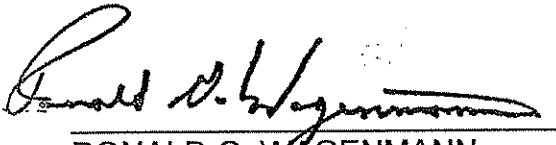
When a User's wastewater concentration of $CBOD_5$, TSS and/or NH_3-N is less than the domestic sewage concentration set forth for these parameters in E above, then the domestic sewage concentration shall be used in the calculation of high strength wastewater surcharges.

ENACTED by the Board of Supervisors of Upper Merion Township on the

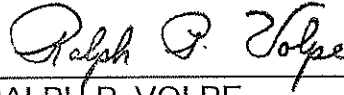
18th DAY OF NOVEMBER, 2004.

ATTEST:

UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS



RONALD G. WAGENMANN,
TOWNSHIP MANAGER/
SECRETARY-TREASURER



RALPH P. VOLPE
CHAIRMAN

UPPER MERION TOWNSHIP
ORDINANCE NO. 2005-741

AN ORDINANCE OF UPPER MERION TOWNSHIP AMENDING ORDINANCE NO. 93-614, ORIGINALLY ADOPTED APRIL 27, 1993 AMENDING SECTIONS 2.2(d) AND 2.2(p).

NOW THEREFORE, it is hereby ORDAINED and ENACTED by the Board of Supervisors of Upper Merion Township, as follows:

1. Section 2.2(d) of Upper Merion Ordinance No. 93-614 is amended to read as follows:

"Pollutants, including oxygen demanding pollutants (BOD, COD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference the POTW."

2. Section 2.2(p) of Upper Merion Ordinance No. 93-614 is amended to read as follows:

"Detergents, surface-active agents, phosphates, or other substances which may cause excessive foaming in the POTW."

3. In all other respects, Ordinance No. 63-614 shall remain in full force and effect.

ORDAINED AND ENACTED this 20th day of January, 2005.

BOARD OF SUPERVISORS OF
UPPER MERION TOWNSHIP

Attest:


Secretary

BY: 
Chairman

Ordinance advertised in The Times Herald on January 6, 2005.

Proof of Publication dated: January 13, 2005.

Ordinance adopted as Ordinance No. 2005-741 on January 20, 2005.

Ordinance entered as Ordinance No. 2005-741 on January 21, 2005.

ORDINANCE 93- 614

AN ORDINANCE AMENDING AND RESTATING THE UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF UPPER MERION TOWNSHIP; PROVIDING FOR WASTEWATER DISCHARGE PERMITS, PAYMENT OF FEES AND THE ADMINISTRATION OF THE REGULATIONS AS WELL AS FOR THE ENFORCEMENT AND IMPOSITION OF PENALTIES FOR VIOLATIONS THEREOF, AND TO COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS.

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ORDINANCE 93-614

AN ORDINANCE AMENDING AND RESTATING THE UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF UPPER MERION TOWNSHIP; PROVIDING FOR WASTEWATER DISCHARGE PERMITS, PAYMENT OF FEES AND THE ADMINISTRATION OF THE REGULATIONS AS WELL AS FOR THE ENFORCEMENT AND IMPOSITION OF PENALTIES FOR VIOLATIONS THEREOF, AND TO COMPLY WITH APPLICABLE STATE AND FEDERAL LAWS.

BE IT HEREBY ENACTED AND ORDAINED, by the Board of Supervisors of Upper Merion Township as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for Users of the wastewater collection and treatment system for Upper Merion Township and enables the Township to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, part 403).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To improve the opportunity to recycle and reuse industrial wastewaters and sludges from the system; and

- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the municipal wastewater system.
- (f) To enable the Township to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

1.2 Administration

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

This Ordinance shall apply to all persons outside Upper Merion Township who are, by contract or agreement with the Township, Users of the Township POTW. This Ordinance is a supplement to Ordinance No. 75-352 and the Regulations adopted thereunder as amended. Except as otherwise provided herein, the Township Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public Works may be delegated to other Township personnel.

1.3 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 Regional Administrator of the EPA.
- (3) Authorized Representative of Industrial User.
 - (a) If the User is a corporation:
 - 1. The 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
 - 2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents

has been assigned or delegated to the manager in accordance with corporate procedures.

- (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) The individuals described in paragraphs 1 through 3, above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to Upper Merion Township.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, for five (5) days at 20° centigrade expressed in terms of concentration (milligrams per liter (mg/l)).
 - (5) Building Sewer. A sewer conveying wastewater from the premises of a User to the POTW.
 - (6) Categorical Standards or Categorical Pretreatment Standards. - National Categorical Pretreatment Standards, being any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
 - (7) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
 - (8) Control Authority. The term "control authority" shall refer to Upper Merion Township.
 - (9) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.
 - (10) Environmental Protection Agency, or 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, including the Regional Water Management Division Director.
 - (11) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment

standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

- (12) 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 over a period of time not to exceed 15 minutes.
- (13) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (14) Indirect Discharge or Discharge. The discharge or the introduction of pollution from any nondomestic source regulated under section 307(b), (c) or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).
- (15) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. In addition, "Industrial User" shall also be defined as an establishment which discharges or introduces industrial wastes into the POTW.
- (16) Industrial Waste. Shall have the meaning ascribed to it in the Act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Stream Law and the regulations adopted thereunder.
- (17) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (18) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW treatment process or operations or its sludge processes, use or disposal; and therefore, is the cause of a violation of the Township's NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (19) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (20) 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. 1317) which applies to a specific category of Industrial Users, as set forth in 40 CFR, Chapter I, Subchapter N, Parts 405 - 471.

(21) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(22) New Source.

(a) 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 the proposed pretreatment standards pursuant to the Section 307(c) of the Act, which will be applicable to such source if the standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The process or production equipment that causes the discharge of pollutants at an existing source is totally replaced; or
3. The production or wastewater generating processes are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

1. Begun, or caused to begin, as part of a continuous onsite construction program
 - a. any placement, assembly, or installation of facilities or equipment; or
 - b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which

is necessary for the placement, assembly, or installation of new source facilities or equipment; or

2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial losses, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
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- (23) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
 - (24) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
 - (25) Pass Through. A discharge which exits the POTW into the waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the POTW's National Pollutant Discharge Elimination System ("NPDES") permit, including an increase in the magnitude or duration of a violation.
 - (26) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
 - (27) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A measure of the acidity or alkalinity of a solution, expressed in standard units.
 - (28) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
 - (29) Pollutant. Any dredged soil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural wastes, and certain characteristics of waste water (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
 - (30) Pretreatment. The reduction of the amount of pollutants, the elimination 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 other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

- (31) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an User. Any substantive or procedural provision of the Federal Water Pollution Control Act (62 Stat. 115, 33 U.S.C. §1251 et seq.) or the Act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law, or any rule or regulation, ordinance or term or condition of a permit or order adopted or issued by the Commonwealth or a POTW for the implementation or enforcement of an industrial waste pretreatment program established under the Federal Water Pollution Control Act or The Clean Streams Law.
- (32) Pretreatment Standard. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- (33) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance.
- (34) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is operated by the Township. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons outside the Township who are, by contract or agreement with the Township, Users of the Township's POTW. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey waste water to a treatment plant.
- (35) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (36) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (37) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (38) Shall is mandatory: May is permissive.
- (39) Significant Industrial User.
 - (a) A User subject to categorical pretreatment standards; or
 - (b) A User that:

1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 3. Is designated as such by the Township on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (c) Upon a finding that a User meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Township may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- (40) Significant Noncompliance. An Industrial User is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(vii). For purposes of this definition, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:
- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month (6) period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;
 - (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three 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 maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 - (c) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under of this Ordinance to halt or prevent such a discharge;

- (e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in this Ordinance or in an enforcement order.
 - (f) Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report non-compliance;
 - (h) Any other violation or group of violations which the Township determines will adversely effect the operation or implementation of the local pretreatment program.
- (41) Slug Discharge. Any discharge of a non-routine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge standards in Section 2 of this Ordinance.
- (42) State. State of Pennsylvania.
- (43) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (44) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snow melt.
- (45) Superintendent. The person designated by the Township to supervise the operation of the publicly owned treatment works.
- (46) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.
- (47) Township. Upper Merion Township or the Board of Supervisors of Upper Merion Township.
- (48) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (49) User or Industrial User. Any person who contributes, causes or permits the indirect discharge of wastewater into the Township's POTW.
- (50) Wastewater. The liquid and water-carried industrial and domestic wastes and sewage from dwellings, commercial buildings, industrial and manufacturing facilities, and

institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

- (51) 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.
- (52) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

1.4 Abbreviations and Acronyms.

The following abbreviations or acronyms shall have the designated meanings:

AO	Administrative Order
BAT	Best Available Treatment
BATEA	Best Available Technology Economically Achievable
BCT	Best Control Technology
BMP	Best Management Practices
BMR	Baseline Monitoring Report
B/N	Base/Neutral
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
BPT	Best Professional Technology
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CSO	Combined Sewer Overflow
CWA	Clean Water Act
CWF	Combined Wastestream Formula
DMR	Discharge Monitoring Report
DSS	Domestic Sewage Study
EMS	Enforcement Management System
EP	Extraction Procedure
EPA	Environmental Protection Agency of the United States
FDF	Fundamentally Different Factor
FOV	Finding of Violation
FOG	Fats, Oil, and Grease
FR	Federal Register
FTE	Full-Time Equivalent
FWA	Flow-Weighted Averaging
FWPCA	Federal Water Pollution Control Act
GC/MS	Gas Chromatograph/Mass Spectrophotometry

gpd	gallons per day
I+I	Infiltration and Inflow
IU	Industrial User
IWS	Industrial Waste Survey
MAHL	Maximum Allowable Headworks Loading
MGD	Million Gallons Per Day
mg/l	milligrams per liter
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
NIOSH	National Institute of Occupational Safety and Health
NMP	National Municipal Policy
NPDES	National Pollutant Discharge Elimination System
NON	Notice of Noncompliance
NOV	Notice of Violation
OCPSF	Organic Chemicals, Plastics, and Synthetic Fibers
O&G	Oil and Grease
O&M	Operations and Maintenance
OSHA	Occupational Safety and Health Administration
OWEC	Office of Water Enforcement and Compliance
PAD	Proportioned Actual Domestic Flow
PAH	Polynuclear Aromatic Hydrocarbons
PAI	Proportioned Actual Industrial Flow
PASS	Pretreatment Audit Summary System
PCB	Polychlorinated Biphenols
PCI	Pretreatment Compliance Inspection
PCME	Pretreatment Compliance Monitoring and Enforcement
PCS	Permit Compliance System
PIRT	Pretreatment Implementation Review Task Force
POTW	Publicly Owned Treatment Works
ppd	pounds per day
ppm	parts per million
ppb	parts per billion
PPETS	Pretreatment Permits Enforcement Tracking System
PQR	Permit Quality Review
PSNS	Pretreatment Standards for New Sources
PSES	Pretreatment Standards for Existing Sources
QA/QC	Quality Assurance/Quality Control
QNCR	Quarterly Noncompliance Report
RCRA	Resource Conservation and Recovery Act
RNC	Reportable Noncompliance
SARA	Superfund Amendments and Reauthorization Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SMP	Solvent Management Plan
SNC	Significant Noncompliance
SPCC	Spill Prevention Control and Countermeasures

SPMS	Strategic Planning and Management System
STP	Sewage Treatment Plant
STLC	Soluble Threshold Limit Concentration
SUO	Sewer Use Ordinance
SWDA	Solid Waste Disposal Act
TCLP	Toxicity Characteristic Leachate Procedure
TDS	Total Dissolved Solids
TICH	Total Identifiable Chlorinated Hydrocarbons
TOMP	Toxic Organic Management Plan
TRC	Technical Review Criteria
TRE	Toxicity Reduction Evaluations
TSS	Total Suspended Solids
TTO	Total Toxic Organics
TTLC	Total Threshold Limit Concentration
USC	United States Code
VOA	Volatile Organic Analysis
VOC	Volatile Organic Compounds
VSS	Volatile Suspended Solids
WENDB	Water Enforcement National Data Base
WQA	Water Quality Act
WQS	Water Quality Standards
WWTP	Wastewater Treatment Plant

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 General Discharge Prohibitions and Standards

No User shall contribute, introduce or cause to be contributed or introduced, directly or indirectly, into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements.

2.2 Specific Prohibitions

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the text methods specified in 40 CFR 261.21;
- (b) Wasterwater having a pH less than 5.0 or more than 8.5 or otherwise causing corrosive structural damage to the POTW or equipment;

- (c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one-half inch (½") in any dimension);
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (e) Wastewater having a temperature greater than 104°F (40°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (f) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works in accordance with this Ordinance;
- (i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Township's NPDES permit;
- (k) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Director of Public Works;
- (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (n) Medical wastes, except as specifically authorized by the Director of Public Works;
- (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;

- (p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (q) Fats, oils, or greases of animal or vegetable origin in concentrations greater than _____ () mg/l;
- (r) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter; or
- (s) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.
- (t) In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed any time period longer than fifteen (15) minutes or contain more than five (5) times the average-twenty-four (24) hour concentration of flow during normal operation, or otherwise constitutes a Slug Discharge.
- (u) The discharge of toxic or hazardous wastes, as defined in the Act or RCRA.

When the Director of Public Works determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to Interfere with the operation of the POTW, the Director of Public Works shall: (1) Advise the User(s) of the impact of the contribution on the POTW; (2) Develop effluent limitation(s) for such User to correct the Interference with the POTW; and (3) Proceed with enforcement pursuant to the provisions of this Ordinance.

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

2.3 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated in this Ordinance by reference as though set forth in full.

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- (c) A User may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that

factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

- (d) A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.4 Modification of National Categorical Pretreatment Standards

Where the Township's wastewater treatment system achieves consistent removal of pollutants limited by National Pretreatment Standards, the Township may apply to the Approval Authority for modification of specific limits in the National Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) 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 Township may then modify pollutant discharge limits in the National 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.

2.5 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 Township's Right of Revision

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

2.7 Dilution

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Director of Public Works may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

2.8 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be

submitted to the Township for review, and shall be approved by the Township before construction of the facility. All existing Users shall complete such a plan by January 1, 1994. No User shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately notify the POTW of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice: Within five (5) days following an accidental discharge; the User shall submit to the Director of Public Works a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

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

- 2.9 Local Limits. Local limits shall be established by the Township by resolution. The local limits shall be on a uniform concentration limit basis or selected reductions for specific Industrial Users. The pollutant limits established by the local limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of instantaneous maximum allowable discharge limits as established by Township resolution. The local limits as established by Township resolution shall apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director of Public Works may impose mass limitations in addition to, or in place of, the concentration based limitations.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or Director of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Director of Public Works for review, and shall be acceptable to the Director of Public Works before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the

User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Township under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

- (a) Whenever deemed necessary, the Director of Public Works may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- (b) The Director of Public Works may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
- (c) Grease, oil, and sand interceptors shall be provided by the User when, in the opinion of the Director of Public Works, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users. All interception units shall be of type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Control Plans

At least once every two (2) years, the Director of Public Works shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Director of Public Works may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Director of Public Works may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by this Ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site

runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

- (a) Septic tank waste may be introduced into the POTW only at locations designated by the Director of Public Works, and at such times as are established by the Director of Public Works. Such waste shall not violate this Ordinance or any other requirements established by the Township. The Director of Public Works may require septic tank waste haulers to obtain Wastewater Discharge Permits.
- (b) The Director of Public Works shall require haulers of industrial waste to obtain Wastewater Discharge Permits. The Director of Public Works may require generators of hauled industrial waste to apply for Wastewater Discharge Permits. The Director of Public Works also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (c) Industrial waste haulers may discharge loads only at locations designed by the Director of Public Works. No load may be discharged without prior written consent of the Director of Public Works. The Director of Public Works may collect samples of each hauled load to ensure compliance with applicable standards. The Director of Public Works may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (d) Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazard wastes.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge within Upper Merion Township or in any area under the jurisdiction of the Township, and/or to the POTW, any wastewater except as authorized by the Director of Public Works in accordance with the provisions of this Ordinance, subject to state and Federal laws and regulations.

4.2 Wastewater Analysis

When requested by the Director of Public Works, a User must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require Users to update this information.

4.3 Wastewater Discharge Permit Requirement

- (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Director of Public Works. A permitted user may discharge for the time period specified in the Permit.
- (b) The Director of Public Works may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Ordinance.
- (c) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the Wastewater Discharge Permittee to the sanctions set out in this Ordinance. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.4 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a Wastewater Discharge Permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall within thirty (30) days after said date, apply to the Director of Public Works for a Wastewater Discharge Permit in accordance with this Ordinance. Said User shall not cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this Ordinance except in accordance with a Wastewater Discharge Permit issued by the Director of Public Works.

4.5 Wastewater Discharge Permitting: New Connections

Any User required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit, in accordance with this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.6 Wastewater Discharge Permit Application Contents

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Township, an application in the form prescribed in this Ordinance. The Director of Public Works may require all Users to submit as part of an application the following information:

- (a) All information required by Section 6 of this Ordinance;
- (b) Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

- (c) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (d) Each product produced by type, amount, process or processes, and rate of production;
- (e) Type and amount of raw materials processed (average and maximum per day);
- (f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (g) Time and duration of discharges;
- (h) Waste water constituents and characteristics sampling and analysis shall be performed in accordance with Section 304(g) of the Act and 40 CFR, Part 136, as amended; and
- (i) Any other information as may be deemed necessary by the Director of Public Works to evaluate the Wastewater Discharge Permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

4.7 Application Signatories and Certification

All Wastewater Discharge Permit applications and User reports must be signed by an authorized representative of the User and contain the following certification statement:

"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 assure 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."

4.8 Wastewater Discharge Permit Decisions

The Director of Public Works will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete Wastewater Discharge Permit application, the Director of Public Works will determine whether or not to issue a waste water discharge permit. The Director of Public Works may deny any application for a Wastewater Discharge Permit, which does not comply with the requirements of this ordinance or applicable Federal and state statutes and regulations.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(a) Wastewater Discharge Permits must contain:

- (1) A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Township in accordance with Sections 5.3 and 5.5 of this Ordinance, and provisions for furnishing the new owners or operator with a copy of the existing Wastewater Discharge Permit;
- (3) Effluent limits based on applicable pretreatment standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

(b) Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the Wastewater Discharge Permit; and
- (8) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

The Director of Public Works shall provide public notice of the issuance of a Wastewater Discharge Permit. Any person, including the User, may petition the Director of Public Works to reconsider the terms of a Wastewater Discharge Permit within thirty (30) days of notice of its issuance.

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.
- (c) The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
- (d) If the Director of Public Works fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a

Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.

- (e) Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County within thirty (30) days of the final administrative Wastewater Discharge Permit decision.

5.4 Wastewater Discharge Permit Modification

The Director of Public Works may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (a) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (b) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of Wastewater Discharge Permit issuance;
- (c) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (d) Information indicating that the permitted discharge poses a threat to the Township's POTW, Township personnel, or the receiving waters;
- (e) Violation of any terms or conditions of the Wastewater Discharge Permit;
- (f) Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;
- (g) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- (h) To correct typographical or other errors in the Wastewater Discharge Permit; or
- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without approval of the Township. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit, as well as any additional terms and conditions which may be required as a result of the proposed transfer.

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director of Public Works and he approves the Wastewater Discharge Permit transfer. The notice to the Director of Public Works must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (b) Identifies the specific date on which the transfer is to occur; and
- (c) Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.
- (d) A completed application pursuant to Section 3 of this Ordinance.

Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The Director of Public Works may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

- (a) Failure to notify the Director of Public Works of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 6.5 of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Director of Public Works or his designated representative timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;

- (k) Failure to complete a wastewater survey or the Wastewater Discharge Permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

Wastewater Discharge Permits shall be voidable upon cessation of operations or transfer of business ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

5.7 Wastewater Discharge Permit Reissuance

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 4.6 of this Ordinance, a minimum of ninety (90) days prior to the expiration of User's existing Wastewater Discharge Permit. It is the responsibility of the User to request a Permit Application Form no less than 120 days prior to the expiration of the existing Permit. The Application shall include calibration reports on flow monitoring devices used during the term of the prior Permit.

5.8 Regulation of Waste Received from Other Jurisdictions

- (a) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Township shall enter into an intermunicipal agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by paragraph (a) above, the Director of Public Works shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Director of Public Works may deem necessary.
- (c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use Ordinance which is at least as stringent as this Ordinance and local limits which are at least as stringent as those set out in Section 2.9 of this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the Township's Ordinance or local limits;

- (2) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Public Works; and which of these activities will be conducted jointly by the contributing municipality and the Director of Public Works;
- (4) A requirement for the contributing municipality to provide the Director of Public Works with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the Director of Public Works, or his designated representative, access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Public Works; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement, and authorizing the Township to take legal action to enforce the terms of the contributing municipality's Ordinance or impose and enforce pretreatment standards.

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner.
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
- (3) Description of Operations. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary to allow use of the combined wastestream formula set out in 40 CFR 403.6(e). Flow measuring devices shall be approved by the Director of Public Works prior to installation. The flow measuring device shall be compatible with the process involved and shall be accurate. All flow measuring devices shall be calibrated semi-annually, which calibration report shall be included as part of the Permit Application.
- (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process.
 - (b) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Director of Public Works, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 of this Ordinance.
 - (c) Sampling must be performed in accordance with procedures set out in Section 6.10 of this Ordinance.
- (6) Certification. A statement, reviewed by the User's authorized representative and certified to by a qualified professional, indicating whether 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 to meet the pretreatment standards and requirements.
- (7) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable

pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.

- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.7 of this Ordinance.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the schedule required by Section 6.1(b)(7) of this Ordinance.

- (a) The schedule shall contain progress increments (milestones) in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (b) No increment referred to above shall exceed six (6) months;
- (c) The User shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date for compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return the construction to the established schedule; and
- (d) In no event shall more than one (1) month elapse between such progress reports to the Director of Public Works.

6.3 Report on Compliance with Categorical Pretreatment Standard Deadline.

Within ninety (90) days 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 POTW, any User subject to pretreatment standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 6.1(b)(4-6) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.7 of this Ordinance.

6.4 Periodic Compliance Reports

- (a) All Significant Industrial Users shall, at a frequency determined by the Director of Public Works but in no case less than quarterly, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.7 of this Ordinance.
- (b) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (c) If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Section 6.10 of this Ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Director of Public Works of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

- (a) The Director of Public Works may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 4.6 of this Ordinance.
- (b) The Director of Public Works may issue a Wastewater Discharge Permit under Section 4.8 of this Ordinance or modify an existing Wastewater Discharge Permit under Section 5.5 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Director of Public Works of the incident. This notification shall

include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

- (b) Within five (5) days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

6.7 Reports from Unpermitted Users

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the result of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Director of Public Works monitors at the User's facility at least once a month, or if the Director of Public Works samples between the User's initial sample and when the User receives the results of this sampling.

6.9 Analytical Requirements

All pollutant analyses, including sample techniques, to be submitted as a part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

6.10 Sample Collection

- (a) Except as indicated in Section (b), below, the User must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional

sampling is infeasible, the Director of Public Works may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- (b) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.11 Timing

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

6.12 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or the methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Township, or where the User has been specifically notified of a longer retention period by the Director of Public Works or his designated representative.

6.13 Notification of the Discharge of Hazardous Waste

- (a) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste

discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this ordinance. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this Ordinance.

- (b) Dischargers are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
- (c) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Director of Public Works, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (d) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (e) The provisions in Section 6.13 do not create a right to discharge any substance not otherwise permitted to be discharged by this ordinance, a permit issued thereunder, or any applicable Federal or State law.

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Director of Public Works or his designated representative shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Director of Public Works or his designated representative access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. A User shall not obstruct, block or otherwise interfere with access to the sampling point(s).

- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works or his designated representative will be permitted to enter without delay for the purposes of performing specific responsibilities.

- (b) The Director of Public Works or his designated representative shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- (c) The Director of Public Works or his designated representative may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually to ensure their accuracy.
- (d) Any temporary or permanent obstruction of safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Director of Public Works or his designated representative and shall not be replaced. The costs of clearing such access shall be born by the User.
- (e) Unreasonable delays in allowing the Director of Public Works or his designated representative access to the User's premises shall be a violation of this Ordinance.

7.2 Search Warrants

If the Director of Public Works or his designated representative has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Ordinance; or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Township designed to verify compliance with this Ordinance or any permit or order issued hereunder; or to protect the overall public health, safety and welfare of the community, then the Township Manager may seek issuance of a search warrant from the Court of Common Pleas of Montgomery County, Pennsylvania.

SECTION 8 - CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit Applications, monitoring programs, and from the Director of Public Works's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Director of Public Works shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of wastewater measurements taken during a six-month (6) period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month (6) period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other discharge violation that the Director of Public Works believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Director of Public Works's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within thirty (30) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s) which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any

other pretreatment standard or requirement, the Director of Public Works may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Director of Public Works. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Township may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 10.4 and 10.5 of this Ordinance.

10.3 Show Cause Hearing

The Director of Public Works may order a User which has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Director of Public Works may issue an order to the User directing it to cease and desist all such violations and directing the User to:

- (a) Immediately comply with all requirements; and
- (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Civil Penalties

- (a) When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may fine such a User in an amount not to exceed Twenty-five Thousand Dollars (\$25,000) per day for each violation regardless of jurisdictional boundaries. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalties shall be assessed for each day during the period of violation. The foregoing administrative civil penalties shall be enforced in accordance with the provisions of Sections 11.2 and 12.4 of this Ordinance.
- (b) A lien against the User's property will be sought for unpaid charges, fines and penalties.
- (c) Users desiring to dispute such fines must file a written request for the Director of Public Works to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the Director of Public Works may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing there on, shall be returned to the User. The Director of Public Works may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (d) Issuance of an administrative fine shall not a bar against, or a prerequisite for, taking any other action against the User.

10.7 Emergency Suspensions

The Director of Public Works may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened

discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Director of Public Works may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which represents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Public Works may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Director of Public Works may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Ordinance are initiated against the User.
- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works prior to the date of any show cause or termination hearing under Section 10.3 or 10.8 of this Ordinance.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

10.8 Termination of Discharge

In addition to the provisions in Section 5.7 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

- (a) Violation of Wastewater Discharge Permit conditions;
- (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (d) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (e) Violation of the pretreatment standards in Section 2 of this Ordinance.

Such User will be notified of proposed termination of its discharge and be offered an opportunity to show cause under section 10.3 of this Ordinance why the proposed action should not be taken.

Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the User.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Township Manager on behalf of the Township, may petition the Court of Common Pleas of Montgomery County, Pennsylvania through the Township's attorney for appropriate legal and equitable relief, including the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit, order, or other requirement imposed by this Ordinance on activities of the User. Relief requested may also include requirements for environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

- (a) A User who has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Township for a maximum civil penalty of Twenty-five Thousand Dollars (\$25,000) per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Such penalty may be assessed in accordance with Section 12.4 of this Ordinance.
- (b) The Director of Public Works may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Township.
- (c) In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

- (a) A User who willfully or negligently violates any provision of this Ordinance, a Wastewater Discharge Permit, order issued hereunder, any other pretreatment standard or requirement, or who wilfully or negligently introduces any substance into the POTW

which causes personal injury or property damage, or any User who knowingly makes any false statements, representations or certifications in any application, record, report, plan, or other document filed, or required to be maintained pursuant to this Ordinance, a Wastewater Discharge Permit or order issued under this Ordinance or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under the Ordinance, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 P.C.S. Section 101 et seq.

11.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the Township's enforcement response plan. However, the Director of Public Works may take other action against any User when the circumstances warrant. Further, the Director of Public Works is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

The Director of Public Works may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such User first files a satisfactory bond, payable to the Township, in a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The Director of Public Works may decline to issue or reissue a Wastewater Discharge Permit to any User who has failed to comply with any provision of this Ordinance, a previous Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the User submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Public Nuisances

A violation of any provision of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the Director of Public Works. Any person(s) creating a public nuisance shall be subject to the provisions of the Second Class Township Code and applicable Township Ordinances governing such nuisances, including reimbursing the Township for any costs incurred in removing, abating, or remedying said nuisance.

12.4 Assessment of Civil Penalties

- (a) Pursuant to the provisions of Act 9 of 1992, providing for enhanced penalty authority for publicly owned treatment works' which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the Township, as the operator of a publicly owned treatment works, may assess a civil penalty upon an Industrial User for violation of any of the terms and provisions of this Ordinance. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed Twenty Five Thousand Dollars (\$25,000) per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct defense under this Section.
- (b) As part of any notice of assessment of civil penalties issued by the Township to an Industrial User, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the Township.
- (c) For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The Township may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this Section.
- (d) The Board of Supervisors of the Township shall publicly adopt a formal, written civil penalty assessment policy and make it publicly available. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:
 - (1) damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses;
 - (2) costs of restoration and abatement;
 - (3) savings resulting to the person in consequence of the violation;
 - (4) history of past violations;
 - (5) deterrence of future violations; and
 - (6) other relevant factors.
- (e) Uses for Penalties. All civil penalties collected pursuant to this Section shall be placed by the Township in a restricted account and shall only be used by the Township and the publicly owned treatment works for the following uses:

- (1) the repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed;
 - (2) pay any penalties imposed on the Township or the publicly owned treatment works by the Federal or State government for violation of pretreatment standards;
 - (3) for the costs incurred by the Township or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed;
 - (4) for the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program; and
 - (5) any remaining funds may be used for capital improvements to the treatment works, including collection lines.
- (f) Injunctive Relief. The Township shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Act 9 of 1992, and 40 CFR 403.8(f)(1)(vi)(A). Injunctive Relief shall be available upon the showing of one or more of the following:
- (1) A discharge from an Industrial User presents an imminent danger or substantial harm to the POTW or the public;
 - (2) A discharge from an Industrial User presents an imminent or substantial endangerment to the environment;
 - (3) A discharge from an Industrial User causes the POTW to violate any condition of its discharge permit; or
 - (4) The Industrial User has shown a lack of ability or intention to comply with a Pretreatment Standard.

Notwithstanding the preceding paragraph, an injunction affecting an industrial operation not directly related to the condition or violation in question, may be issued if the Court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation. In addition to an injunction, the Court in any such proceedings may levy civil penalties in accordance with Act 9 of 1992 and this Ordinance.

- (g) Appeal. An Industrial User assessed with a civil penalty under the terms of this Section shall have thirty (30) days to pay the proposed penalty in full, or, if the Industrial User wishes to contest either the amount of the penalty or the fact of the violation, the Industrial User must file an appeal of the action within thirty (30) days pursuant to 2

Pa.C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

- (h) The penalty authorized in this Section is intended to be concurrent and cumulative, and the provisions of this Section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to a person, the Township, or the Commonwealth.

12.5 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall be prosecuted in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa. C.S.A. 4901 et seq.

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- (a) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.
- (c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset [if this

information is provided orally, a written submission must be provided within five (5) days]:

- A. A description of the indirect discharge and cause of noncompliance;
 - B. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - C. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (d) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
- (e) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
- (f) Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in situations where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1 of this Ordinance or the specific prohibitions in Section 2.2 of this Ordinance except 2.2(a), (b) and (h), if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (a) A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (b) No local limits exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Township was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

13.3 Bypass

- (a) For the purposes of this section,

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.
- (c) (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- (d) (1) Bypass is prohibited, and the Director of Public Works may take an enforcement action against a User for a bypass, unless
- A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventive maintenance; and
 - C. The User submitted notices as required under paragraph (c) of this Section.

- (2) The Director of Public Works may approve an anticipated bypass, after considering its adverse effects, if the Director of Public Works determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

SECTION 14 - FEES

14.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the Township's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth the Township's Schedule of Charges and Fees.

14.2 Charges and Fees

The Township may adopt by Resolution charges and fees which may include:

- (a) fees for reimbursement of costs of setting up and operating the Township's Pretreatment Program;
- (b) fees for monitoring, inspections and surveillance procedures;
- (c) fees for reviewing accidental discharge procedures and construction;
- (d) fees for permit applications;
- (e) fees for filing appeals;
- (f) fees for consistent removal (by the Township) of pollutants otherwise subject to Federal Pretreatment Standards; and
- (g) other fees as 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 or sewer rentals chargeable by the Township.

SECTION 15 - 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.

SECTION 16 - ALL INCONSISTENT ORDINANCES AND RESOLUTIONS REPEALED

All Ordinances or Resolutions inconsistent herewith, and all other Ordinances or Resolutions or parts of Ordinances or Resolutions in conflict or inconsistent herewith, including, but not limited to, Ordinance Nos. 84-465 and 91-594, are hereby repealed to the extent of such conflict or inconsistency.

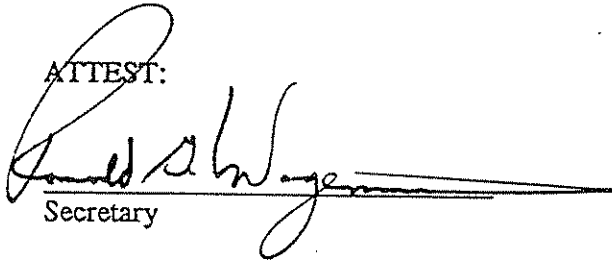
SECTION 17 - DATE OF EFFECT

This Ordinance shall take effect and shall be enforced from and after its approval in accordance with the provisions of the Second Class Township Code.

ENACTED AND ORDAINED this *27th* day of *April*, 1993 by the Board of Supervisors of Upper Merion Township.

ATTEST:

BOARD OF SUPERVISORS
UPPER MERION TOWNSHIP


Secretary

By: 
Chairman

Advertised Proposed Ordinance in Times Herald: April 15, 1993.
Proof of Publication Dated: April 19, 1993.
Hearing Held: April 22, 1993.
Ordinance Adopted: April 22, 1993
Ordinance Entered: April 26, 1993, as Township Ordinance No. 93-614.

