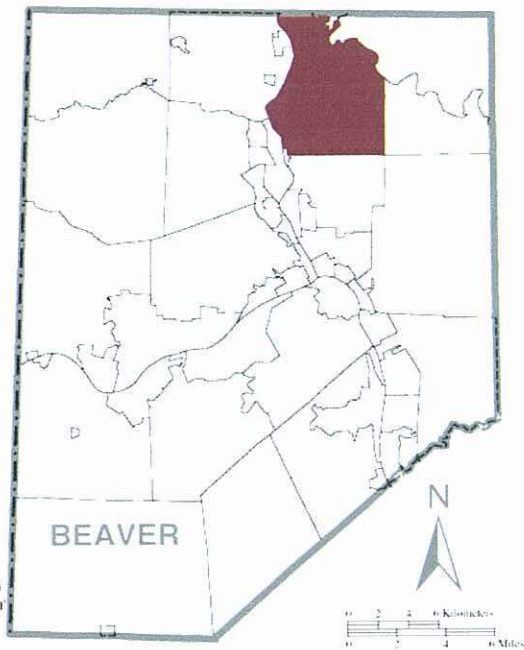


North Sewickley Township Beaver County, PA

Chapter 18 Sewers and Sewage Disposal



CODIFICATION
OF
ORDINANCES

Chapter 18

SEWERS AND SEWAGE DISPOSAL

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CHAPTER 18

SEWERS AND SEWAGE DIPOSAL

History: Ordinance No. 24A, November 19, 1978, as amended by Ordinance No. 59, September 14, 1982; Ordinance No. 44, June 13, 1978, as amended by Ordinance No. 74, December 10, 1991; Ordinance No. 82, September 9, 1993, as amended by Ordinance No. 90, June 8, 1995, as further amended by Ordinance No. 97 and further amended by Ordinance No. 116, August 26, 2005; Ordinance No. 104, December 12, 2000; Ordinance No. 106, April 10, 2001

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PART 1

Sanitary Sewage Disposal Systems

§18-101 TITLE AND PURPOSE

- A. For the purpose of this Chapter, the following words shall be cited as the North Sewickley Township Sanitary Sewage Disposal System Chapter.

- B. Purpose: This Chapter is adopted for the purpose of promoting and protecting the health, safety, comfort and general welfare of the citizens and residents of the Township of North Sewickley.

§18-102 DEFINITIONS

For the purpose of this Chapter, the following words and phrases shall have the meanings ascribed to them in this Chapter.

- A. HEALTH OFFICER: The legally designated Health Officer of the Township of North Sewickley or any duly authorized representative of the Board of Supervisors of North Sewickley Township.
- B. MUNICIPAL SEWER SYSTEM NOT AVAILABLE: All areas of the Township which are not subject to the requirements or regulations of those areas that are considered available under Section 18-102 E of this Chapter.
- C. MUNICIPAL SEWER SYSTEM SERVICE AVAILABLE: Those areas of North Sewickley Township which the Township has constructed and maintains a system of sanitary sewers located in streets, alleys, or rights-of-way, in which said sanitary sewers are located abuts upon or is adjacent to property of said applicant, shall be considered available and shall be connected to the municipal system. When the first floor elevation of all proposed or existing dwellings or structures can be sewer by gravity to the municipal sewer, they shall be considered available and shall be connected to the municipal system. All sanitary sewage systems in proposed subdivisions shall be subject to the rules and regulations, relating to the subdivision and development of land and the construction, opening and dedication of streets, alleys, sewer drainage, and other facilities in connection therewith in the Township of North Sewickley.
- D. PERMIT: A written permit issued by the Township permitting the construction and/or alteration of a sewage disposal system under this Chapter.
- E. PERSON: Any property owner, person, association of persons, institution, firm, public or private corporation, individual, partnership, contractor, general agent, lessee, tenant, or any representative of any of the aforementioned.
- F. SEWAGE DISPOSAL SYSTEM: A sewage disposal system (other than the municipalities sewerage system) which receives either human-excreta, liquid waste, laundry waste or waste drainage from one or more premises or structures.

§18-103 MUNICIPAL SEWER SYSTEM SERVICE AVAILABLE

In all areas of North Sewickley Township where Municipal Sewer System facilities are available, every improvement and structure even though such structure is fabricated or manufactured elsewhere, whether mobile or immobile that is erected and/or placed upon a plot of land in the Township and intended to be used and occupied either permanently or temporarily for either dwelling, commercial or industrial purposes shall be required to be connected to, discharge and dispose of all sewage and liquid wastes into the Township's sanitary sewer system.

§18-104 MUNICIPAL SEWER SYSTEM SERVICE NOT AVAILABLE

In all areas of North Sewickley Township where Municipal Sewer System facilities are not available there shall be required to be provided inside plumbing facilities and a sanitary sewage disposal system for every improvement and structure even though such structure is fabricated or manufactured elsewhere, whether mobile or immobile, that is erected and/or placed upon a plot of land in the Township and intended to be used and occupied either permanently or temporarily for either dwelling, commercial or industrial purposes.

§18-105 SEWAGE DISPOSAL SYSTEM DESIGN REQUIREMENTS

- A. The design of individual sewage disposal systems shall take into consideration the systems location with respect to water wells, cisterns, springs or other sources of water supply, water table, soil characteristics, topography, area available for absorption field, maximum occupancy of buildings or structures, with each unit of the sewage disposal system to be designed to adequately treat the estimate maximum volume of sewage and waste material to be discharged from the premises to be served by said disposal system.
- B. The sanitary sewage disposal system shall be constructed to include a tank, a distribution box and a tile disposal field area, absorption bed or seepage pit, with the size, capacity, method and materials of construction, and the location of the different units of the system to be in compliance with design, standards, specifications and regulations as shall be adopted by the Board of Supervisors of North Sewickley Township and as may be amended by resolution of said Board of Supervisors.
- C. Illustrations and design standards regulating the location and installation of sewage disposal system, septic tanks, distribution boxes, tile disposal fields, absorption beds, seepage pits, etc., shall be set forth in and adopted by resolution of the Board of Supervisors of North Sewickley Township contemporaneously with the adoption of this Chapter, or as said resolution may be hereafter amended.

§18-106 FORBIDDEN CONTRIVANCES, DEVICES OR PRACTICES

It shall be unlawful and a violation of this Chapter for any person, corporation or contractor when installing and constructing a sewage disposal system to use as a part of said system any drilled wells, dug wells, abandoned wells, nor drilled holes as a part of said system into any wells or drilled holes as hereinbefore mentioned.

§18-107 NECESSITY OF PERMIT

- A. From and after the effective date of this Chapter, it shall be unlawful and a violation of this Chapter for any person to construct, reconstruct, enlarge, alter, or extend a sanitary sewage disposal system within the Township of North Sewickley, unless and until he holds a valid permit issued by the legally designated authority of the Board of Supervisors of North Sewickley Township granting permission to proceed with the specific construction, installation or alterations as specified in the permit.
- B. No person shall commence construction, erection or placement of a building or structure or mobile unit of any type, any of which are intended to be used and occupied for either dwelling, commercial, or industrial purposes upon a plot of land in North Sewickley Township, unless and until a valid permit has been obtained from the legally designated authority of the Board of Township Supervisors.
- C. No person shall occupy and use for either dwelling, commercial or industrial purposes any dwelling, building structure or mobile unit of any type unless and until the sanitary sewage disposal system for said premises has been fully constructed and completed in compliance with the permit issued for it, and in accordance with all of the provisions of this Chapter, and said disposal system officially approved by the legally designated authority of the Board of Township Supervisors.
- D. All sanitary sewage disposal systems which drain or overflow sanitary waste effluent on to the surface of the ground, thereby creating a nuisance or health hazard shall be corrected according to specifications of this Chapter when notified in writing by the Township to correct such violation. It shall be the duty of the Township Secretary or other fully authorized representatives of the Board of Supervisors of North Sewickley Township to give written notice to the offending person responsible for creating such health hazard to correct and make the necessary changes in the sewage disposal system to conform to the requirements, specifications and provisions of this Chapter, said work and compliance with the Chapter to be performed within a period of thirty (30) days from the date of the receipt of said notification

from the Township representative. A permit must be obtained from the Township's duly authorized representative before the commencement of any work of renewal, alteration and corrective construction. Upon failure to comply with the requirements of this notice and the provisions of this Chapter within the time specified in the thirty (30) day notice, such person shall be deemed to be in violation of this Chapter.

§18-108 PROCEDURE AND DATA REQUIRE FOR PERMIT

- A. All applications for permits shall be made upon forms provided by the Township and shall be submitted to the Board of Township Supervisors or their duly authorized representative and shall show and include the following information:
- (1) Name and address of the applicant;
 - (2) Name and address of the owner of the property;
 - (3) Name and address of the contractor or person proposing to do the construction work;
 - (4) Location of property upon which the construction is to be performed; and
 - (5) A plan showing the following information:
 - (a) Boundaries and description of the plot of land involved in the construction;
 - (b) Location, outline and dimensions of existing structures or structures to be built or placed;
 - (c) Location of any easements, driveways, embankments, large trees, well, spring, cistern and any existing sanitary sewage disposal systems on the property;
 - (d) Location of proposed sanitary sewage disposal system, alteration or extensions, with distances being given to any existing or proposed structures, and to any property lines;
 - (e) Topography of the area occupied or to be occupied by buildings and the sewage disposal system, indicating by contour lines or elevations showing the general direction of natural surface drainage and the general slope of the existing plot of land;
 - (f) Location and distance to any existing water wells, cistern or springs on adjacent properties less than one hundred feet (100') from the sewage disposal system proposed to be constructed;
 - (g) Purpose for which building, structure, mobile or immobile unit is to be used that is to be served by the disposal system;
 - (h) Size of structure or unit, number of bedrooms, number of bathrooms, number of commodes, size of septic tanks, length of tile field, size of absorption bed, size of seepage pits showing its component parts, percolation reports when required by the Township; and
 - (i) Commercial and industrial establishments that require sanitary disposal systems and that are subject to the rules and regulations of the Pennsylvania Department of Health shall submit all plans, specifications, data and approvals required by the Pennsylvania Department of Health to the Board of Township Supervisors for that Board's approval. The Board of Supervisors may require such alterations in the plans and specifications as the Board of Supervisors may deem advisable and necessary, before a permit shall be issued to the applicant by the Board of Supervisors or their duly authorized representative for the construction of said disposal system.

§18-109 FEE

The applicant shall submit with his application for a permit, a fee payable to the Township of North Sewickley, in accordance with the fee schedule to be adopted by the Board of Supervisors of North Sewickley Township to defray, or help to defray the costs and expense of issuing said permit and performing the necessary inspection service.

§18-110 PERMITS

- A. No permit shall be issued until the authorized representative of the Board of Supervisors has examined the application and if he deems it advisable, has viewed the site of the proposed construction and is satisfied that the construction, as proposed in the application, will comply with all the provisions of this Chapter.
- (1) No permit for the construction of a sewage disposal system shall be issued unless the lot for which said permit is requested shall have an area of not less than forty thousand (40,000) square feet. No permit shall be issued for more than one (1) sewage disposal system on any lot of land unless said lot shall have an area equal to a minimum of forty thousand (40,000) square feet for each septic system to be located thereon.¹
- (2) The minimum 40,000 square foot lot size for sewage disposal system permits shall not apply to lots laid out or in existence prior to January 1, 1973, provided said lot shall be used for a single family dwelling.²
- B. It shall be the duty of the Board of Supervisors or their duly authorized representative in writing to either approve or reject the application within a period of ten (10) days from the date of the receipt of said application. In the event of rejection, said Township representative shall state in writing to the applicant the reason for such rejection.
- C. Any person whose application for a permit has been denied may request and shall be granted a hearing on the matter before the Board of Township Supervisors within twenty (20) days after the receipt of the request for such hearing.
- D. No work of construction, installation, alteration or extension of any sanitary sewage disposal system or any part thereof shall be commenced by any person unless and until a permit has been obtained from the Township permitting such work.
- E. Any variation, change or revision in the size, design, location specifications and construction of the sewage disposal system from that which the permit was issued for, unless such variation was approved in writing by the Township's representative, may be rejected on final inspection and the disposal system considered to be in violation of the provisions of this Ordinance.
- F. All permits issued in accordance with the provisions of this Chapter shall be null and void unless the construction and installation for which said permit is issued shall be completed within two (2) years from the date of the issuance of such permit.

¹ Ordinance No. 59, September 14, 1982.

² Ordinance No. 68, July 6, 1990.

PART 2

Use and Maintenance of Holding Tanks

§18-201 PURPOSE

The purpose of this Chapter is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses, and it is hereby declared that the enactment of this Chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

§18-202 DEFINITIONS

- A. **HOLDING TANK:** A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include, but are not limited to the following:
 - (1) **Chemical Toilet:** A toilet using chemicals that discharge to a holding tank.
 - (2) **Retention Tank:** A holding tank where sewage is conveyed to it by a water carrying system.
 - (3) **Vault Pit Privy:** A holding tank designed to receive sewage where water under pressure is not available.
- B. **IMPROVED PROPERTY:** Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.
- C. **OWNER:** Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.
- D. **PERSON:** Any individual, partnership, company, association, corporation or other group or entity.
- E. **SEWAGE:** Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation.
- F. **SUPERVISORS:** The North Sewickley Township Board of Supervisors.
- G. **TOWNSHIP:** North Sewickley Township, Beaver County, Pennsylvania.

§18-203 RIGHTS AND PRIVILEGES GRANTED

The Supervisors are hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation there.

§18-204 RULES AND REGULATIONS

The Supervisors are hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purpose herein.

§18-205 RULES AND REGULATIONS TO BE IN CONFORMITY WITH APPLICABLE LAW

All such rules and regulations adopted by the Supervisors shall be in conformity with the provisions herein, all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.

§18-206 RATES AND CHARGES

The Supervisors shall have the right and power to fix, alter, charge and collect rates, assessments, and other charges in the area served by its facilities at reasonable and uniform rates as authorized by applicable law.

§18-207 EXCLUSIVENESS OF RIGHTS AND PRIVILEGES³

- A. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Township, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Protection of the Commonwealth of Pennsylvania.
- B. The Township will receive, review and retain pumping receipts from permitted holding tanks.
- C. The Township will complete and retain annual inspection reports for each permitted tank.

§18-208 DUTIES OF IMPROVED PROPERTY OWNER

The owner of an improved property that utilizes a holding tank shall:

- A. Maintain the holding tank in conformance with this or any Chapter of this Township, the provisions of any applicable law, and the rules and regulations of the Supervisors and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Supervisors or anyone having a permit from the Supervisors to collect, transport, and dispose of the contents herein.

§18-209 VIOLATIONS

Any person violating any provision of this Chapter shall, upon summary conviction, be subject to a fine not to exceed three hundred dollars (\$300.00) and upon default of payment to imprisonment not to exceed thirty (30) days.

§18-210 ABATEMENT OF NUISANCES

In addition to any other remedies provided in this Chapter, any violation of Section 18-208 above shall constitute a nuisance and may be abated by the Township or the Supervisors by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

³ Ordinance No. 74, December 10, 1991.

PART 3

Connection to Public Sanitary System

§18-301 REQUIRED CONNECTION

Every owner of property in the Township of North Sewickley whose property abuts upon any public sanitary sewer and the principal building thereon is within one hundred and fifty feet (150') of the sewer system presently in existence or to be constructed in the future by North Sewickley Township Sewer Authority⁴ shall connect, at its own cost, the house, building or other structures located on said property with the aforementioned public sanitary sewers for the purpose of disposing of all acceptable sanitary sewage emanating from said property.

§18-302

It shall be unlawful for any owner, lessee or occupier of any such property in the Township abutting upon any aforementioned public sanitary sewer to employ any means, either by septic tank, cesspool, privy vault, mine hold or otherwise, for the disposal of acceptable sanitary sewage other than into and through said public sanitary sewers.

§18-303

Where any such house, building or structure in the Township abutting upon any aforementioned public sanitary sewer is now or hereafter using any method for the disposal of acceptable sanitary sewage other than through said public sanitary sewers, it shall be the duty of the Township Secretary or the authorized representative of the North Sewickley Township Sewer Authority (hereinafter called the Authority) to notify the owner, lessee or occupier of said structure in writing, by personal service or certified mail to disconnect the same and make proper connection for the discharge and disposal of all acceptable sanitary sewage through the said public sanitary sewers as hereinafter provided within ninety (90) days after receipt of said notice. Notice shall be deemed to have been received within three (3) business days after the mailing of said notice. In the event that any owner, lessee or occupier of a structure cannot comply with the provisions of this Part as to connection within ninety (90) days of said notice due to the unavailability of a contractor to make the necessary connection, said owner, lessee or occupier shall make application upon a form to be furnished by the Authority which shall provide proof satisfactory to the Authority that reasonable efforts have been made to obtain the services of a contractor to connect and the contractor was unavailable. Said application shall also include a voluntary agreement under which the applicant agrees to commence paying the regular monthly sewer rates immediately even though actual connection may not be accomplished until some later date. Said extension shall be for a period of no more than forty-five (45) days.⁵

§18-304

No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall at the present time or at any time hereafter be connected with the aforesaid public sanitary sewers.

§18-305

It shall be unlawful for any person, firm or corporation connected to any aforementioned public sanitary sewers to connect any roof drain thereto or permit any roof drain to remain connected thereto, or to permit, allow or cause to enter into said public sanitary sewers any stormwater, foundation, drain water, spring water, surface water, or any sewage or industrial waste from any property other than that for which a permit is issued.

⁴ Established 1993.

⁵ Ordinance No. 90, June 8, 1995, as amended by Ordinance No. 97, October 10, 1996.

§18-306

No person, firm, or corporation shall make or cause to be made any connection with any of the aforementioned public sanitary sewers until he has fulfilled all of the following conditions:

- A. He shall make application to the Authority, as the Township's agent, upon a permit form to be formulated and supplied by the Authority for permission to connect to the aforementioned public sanitary sewers. Among other things, the applicant must state the character and use of each structure located upon his property.
- B. He shall pay to the Authority the required tap connection fee established by said Authority for each equivalent dwelling unit on each property connected to aforementioned public sanitary sewers at the time of making application for permission to make such connection or connections.
- C. No work shall commence before the payment of the aforesaid tap connection fee and issuance of the aforementioned connection permit.
- D. He shall give the designated inspector of the Authority at least twenty-four (24) hours notice of the time when such connection shall be made in order that said inspector can be present to inspect and approve the work of connection. The inspector shall signify his approval of the connection by endorsing his name and the date of approval on the aforementioned connection permit in the possession of the permittees.
- E. At the time of inspection of the connection, the owner or owners of properties shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by the inspector.

§18-307

The construction and number and size of all building sewer lines or house service sewers shall be done in accordance with the specifications, plans and procedures established by the Authority in the Sewer System Rules and Regulations, as the same may be from time to time published and amended, copies of which, upon adoption, shall be maintained on file with the Township Secretary and the Authority.

§18-308

If the owner or owners of any occupied houses, buildings or structures in the Township shall neglect or refuse to comply with the provisions of this Chapter or the written notice as prescribed in Section 18-303 hereof, the Township or the Authority may perform or cause to be performed such work and labor and furnish or cause to be furnished such materials as may be necessary to comply with the provisions of this Chapter at the cost and expense of such owner or owners, together with ten percent (10%) additional thereof, and all charges and expenses incidental thereof, which sum shall be collected from said owner or owners for the use of the Township or the Authority as debts are by law collectible, or the Township or the Authority, as its agents, may, by its proper officer, file a municipal claim or lien therefore against said premises as provided by law.

§18-309

Unacceptable sanitary sewage and other terms used herein for purposes of this Chapter shall have the same definitions as those which are set forth in the Sewer System Rules and Regulations, said Rules and Regulations to be applicable to all users of the aforementioned public sanitary sewers.

§18-310 ENFORCEMENT⁶

In accordance with Section 66601 of the Second Class Township Code, any person, firm, association, partnership, corporation or other entity which fails to make a proper connection of sewage within the time specified after receipt of proper notice as provided in Section 18-303 shall be subject to the civil enforcement proceedings and upon being found liable for said Chapter violation, shall pay a civil fine as set forth in this Chapter plus all costs and attorney fees.

- A. Where the defendant in a civil enforcement proceeding fails to pay the fine or chooses to defend the civil action after a complaint is filed by an agent of the Township or the Township Sewer Authority for said violation, upon being found liable for the violation, the defendant may also be liable for reasonable attorney fees in bringing the civil action in addition to being liable for the fine and court costs. The attorney fees shall be charged at seventy dollars (\$70.00) per hour for time spent in the office on said enforcement proceeding and ninety-five dollars (\$95.00) per hour for any in court proceedings. All penalties and judgments for fines, costs and fees shall be paid to the North Sewickley Township Sewer Authority.
- B. Judgment for the Amount of the Fine, Costs and Fees: Upon determination by the District Justice that the defendant has violated the Township Chapter after a complaint being filed by the North Sewickley Township Sewer Authority, a District Justice shall enter judgment in favor of the North Sewickley Township Sewer Authority and against the defendant in the amount of not less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) for each day of the violation with each day being a separate offense.
- C. Enforcement and Collection of Judgment: Where the defendant neither timely appeals nor pays a final judgment, the Authority shall enforce the judgment pursuant to the applicable Pennsylvania Rules of Civil Procedure for the enforcement of money judgments or the execution of judgments for the payment of money rendered by District Justices.
- D. Installment Payment of Penalties: The North Sewickley Township Sewer Authority Board of Directors may permit a defendant who pleads liable to pay the fine in installments for a period not to exceed six (6) months. When installment payments are permitted, at least twenty-five percent (25%) of the fine must be paid at the time the plea is entered. Installment payments may be made only after the Township Authority finds that the defendant truly lacks the ability to pay the full amount of the penalty in one lump sum.
- E. Enforcement: This Chapter shall be enforced by the North Sewickley Township Sewer Authority Manager or another individual authorized by the North Sewickley Township Sewer Authority to enforce said Chapter. This civil action shall be brought and prosecuted in the name of the North Sewickley Township Sewer Authority against any person, firm, association, partnership, corporation or other entity who is alleged to have violated the laws of the Township of North Sewickley.

§18-311 MEANS OF ENFORCEMENT⁷

- A. A civil enforcement action for a violation of this Chapter shall be commenced by filing a civil complaint with the District Justice in accordance with the Rules of Civil Procedure for District Justices except that the defendant may not file any claim against the Authority as a counterclaim pursuant to Rule 315.
- B. The form of the complaint, the trial and all other procedural matters thereafter shall be determined under the Rules of Civil Procedure governing actions and proceedings before District Justices.

⁶ Ordinance No. 90, June 8, 1995, as amended by Ordinance No. 97, October 10, 1996.

⁷ Ordinance No. 90, June 8, 1995, as amended by Ordinance No. 97, October 10, 1996.

PART 4

Requirements for Users and Dischargers into the Township's Publicly Owned Sewage Supplier

§18-401 GENERAL PROVISIONS

A. Purpose and Policy: This Chapter sets forth uniform requirements for users of the Publicly Owned Sewage System for the Township of North Sewickley and enables the Township to comply with all applicable Commonwealth and Federal laws, regulations, and permits, including without limitation, the Federal Clean Water Act (33 USC §1251 et seq.), the USEPA General Pretreatment Regulations (40 Code of Federal Regulations Part 403), the Pennsylvania Clean Streams Law (35 P.S. §691.1 et seq.) the Pennsylvania Department of Environmental Protection Standards for Dischargers of Industrial Wastes to Publicly Owned Treatment Works (POTWs) (25 PA Code §97.91 et seq.), and the Borough of Ellwood City's Permit No. PA 0026832. The objectives of this Chapter are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Sewer System;
- (2) To prevent the introduction of pollutants into the Publicly Owned Sewer System that will pass through the System, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect Sewer System personnel and Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;
- (5) To provide for charges and fees for the implementation of the pretreatment program; and
- (6) To enable the Township and the Borough to comply with its National Pollutant Discharge Elimination System permit (NPDES Permit No. PA0026832) conditions, sludge use and disposal requirements, and any other Federal or Commonwealth laws and/or regulations to which the Publicly Owned Treatment Works is subject.

This Chapter shall apply to all commercial and industrial users of the Industrial Sewer System. This Chapter authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of charges and fees for the equitable distribution of costs relating to the implementation of the pretreatment program established herein.

- B. Administration: Except as otherwise provided herein by agreement between the Borough of Ellwood City and the Township of North Sewickley, the Borough of Ellwood City shall administer, implement, and enforce the provisions of this Chapter. Any powers granted to or duties imposed upon the Borough may be delegated by the Borough to Borough personnel
- C. Abbreviations: The following abbreviations, when used in this Chapter, shall have the designated meanings:
- (1) BOD: Biochemical Oxygen Demand (5-day).
 - (2) BOROUGH: The Borough of Ellwood City, Lawrence County, Pennsylvania.
 - (3) CFR: Code of Federal Regulations.
 - (4) COD: Chemical Oxygen Demand.
 - (5) DEP or PADEP: The Pennsylvania Department of Environmental Protection.

- (6) EPA or USEPA: The United States Environmental Protection Agency.
 - (7) gpd: Gallons per day.
 - (8) mg/l: Milligrams per liter.
 - (9) NAICS: North American Industrial Classification System.⁸
 - (10) NPDES: National Pollutant Discharge Elimination System.
 - (11) POTW: Publicly Owned Treatment Works.
 - (12) RCRA: Resource Conservation and Recovery Act.
 - (13) TOWNSHIP: The Township of North Sewickley, Beaver County, Pennsylvania.
 - (14) TSS: Total Suspended Solids.
 - (15) USC: United States Code.
- D. Definitions: Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Chapter 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 USC §1251 et seq.
 - (2) APPROVAL AUTHORITY: The Regional Administrator of EPQ Region III.
 - (3) AUTHORIZED REPRESENTATIVE OF THE USER:
 - (a) If the user is a corporation:
 - [1] The president, secretary, treasurer, or a 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 million dollars (\$25,000,000.00) 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, Commonwealth, or local governmental facility, as 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 Subsection (a) through (c) 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 the Borough.
 - (4) BIOCHEMICAL OXYGEN DEMAND OR BOD: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees centigrade (20°C), usually expressed as a concentration (e.g., mg/l).
 - (5) BOROUGH: The Borough of Ellwood City, Lawrence and Beaver County, Pennsylvania.

⁸ SIC (Standard Industrial Codes has been replaced by NAICS (North American Industrial Classification System).

- (6) **BYPASS:** The intentional diversion of wastestreams from any portion of a user's treatment facility.
- (7) **CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD:** Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307 (b) and (c) of the Act (33 USC § 1317) which apply to a specific category of users and which appear in 40 CFR, Chapter I, Subchapter N.
- (8) **COORDINATOR OR PRETREATMENT COORDINATOR:** The person designated by the Borough to supervise the pretreatment program for the POTW, and who is charged with certain duties and responsibility by the Borough, or a duly authorized representative.
- (9) **DEPARTMENT OF ENVIRONMENTAL PROTECTION or DEP or PADEP:** The Pennsylvania Department of Environmental Protection or, where appropriate, the Regional Water Quality Program Manager, or other duly authorized official of such department.
- (10) **ENVIRONMENTAL PROTECTION AGENCY or EPQ or USEPA:** The United States Environmental Protection Agency, or where appropriate, the Regional Water Protection Division Director, or other duly authorized official of such agency.
- (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 wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes or as reasonably determined by the Coordinator.
- (13) **INDIRECT DISCHARGE OR DISCHARGE:** The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.
- (14) **INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT:** The maximum concentration or mass loading limit 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.
- (15) **INTERFERENCE:** A discharge, which along or in conjunction with a discharge or discharges from other sources inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of the Borough's NPDES permit, of the Federal Clean Water Act, the Federal Clean Air Act, the Pennsylvania Clean streams Law, the Pennsylvania Air Pollution Control Act, or the regulations applicable to any of the foregoing, or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued regulations issued 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 Commonwealth regulations contained in any Commonwealth 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.
- (16) **MASS LOADING LIMIT:** The pounds per day (or other specified interval) of a particular pollutant allowed to be discharged to the POTW at any time.
- (17) **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.

- (18) NAICS: The North America Industrial Classification System replaced the Standard Industrial Classification (SIC) Code in 1997 as the recognized industrial classification system.
- (19) 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 proposed pre-treatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:
- [1] The building, structure, facility, or installation is constructed at a site at which no other source is located; or
- [2] The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- [3] The production or wastewater generating processes of the building, structure, facility or installation 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 Subsection 13-401D16 (a) [2] and [3] above but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this Section has commenced if the owner or operator has:
- [1] Begun or cause 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.
- [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 loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (20) 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.
- (21) PASS THROUGH: A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Borough's NPDES permit, including an increased in the magnitude or duration.
- (22) PERSON: Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, limited liability company, limited liability partnership, trust, estate, governmental entity, or any other legal entity, or their legal

- representatives, agents, or assigns. This definition includes all Federal, Commonwealth, and local governmental entities.
- (23) pH: A measure of the acidity or alkalinity of a solution expressed in standard units.
- (24) POLLUTANT: Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, BOD, COD toxicity, or odor).
- (25) PRETREATMENT: The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (26) PRETREATMENT REQUIREMENTS: Any substantive or procedural requirements related to pretreatment imposed on a user, other than a pretreatment standard.
- (27) PRETREATMENT STANDARD OR STANDARDDDS: Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (28) PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES: Absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 2.1 of this Chapter.
- (29) PUBLICLY OWNED TREATMENT WORKS or POTW: A "treatment works," as defined by Section 212 of the Act (33 USC § 1292) which is owned and/or operated by the Borough. 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 wastewater to a treatment plant.
- (30) SEPTIC TANK WASTE: Any sewage form holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (31) SEVERE PROPERTY DAMAGE: 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.
- (32) SEWAGE: Human excrement and gray water (household showers, dishwashing operations, etc.).
- (33) 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 percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - [3] Is designated as such by the Borough 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 [2] above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Borough may at any time, on its own initiative or in response to a petition received from a user, and in accordance with the procedures in 40 CFR 403.8 (f) (6) determine that such user should not be considered a significant industrial user.
- (34) **SLUG LOAD OR SLUG:** Any discharge of a nonroutine episodic nature, or at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 18-402A of this Ordinance.
- (35) **STORMWATER:** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (36) **SEWER COMMISSIONER OR BOROUGH SEWER COMMISSIONER:** The person designated by the Borough as such Commissioner, and who is charged with certain duties and responsibilities by Borough Council or a duly authorized representative thereof.
- (37) **SUSPENDED SOLIDS:** The total suspended matter that floats on the surface of, or is suspended in water, wastewater or other liquid and which is removable by laboratory filtering.
- (38) **TOWNSHIP:** The Township of North Sewickley Township, Beaver County, Pennsylvania.
- (39) **USER OR INDUSTRIAL USER:** A source of indirect discharge.
- (40) **WASTEWATER:** Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (41) **WASTEWATER TREATMENT PLANT OR TREATMENT PLAN:** Those portions of the POTW which are designed to provide treatment of municipal sewage and industrial waste.

§18-402 GENERAL SEWER USE REQUIREMENTS

A. Prohibited Discharge Standards:

- (1) **General Prohibitions:** No user shall introduce or cause to be introduced into the Sewer System any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the Sewer System whether or not they are subject to categorical pretreatment standards or any other Federal, Commonwealth or local pretreatment standards or requirements.
- (2) **Specific Prohibitions:** No user shall introduce or cause to be introduced into the Sewer System the following pollutants, substances or wastewater:
- (a) Pollutants which create a fire or explosive hazard in the Sewer System, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F (60° C) using the test methods specified in 40- CFR 261.21;
- (b) Wastewater having a pH less than 5.0 or more than 12.5, or as more stringently designated by the Township or the Coordinate for the purpose of protecting the Sewer System or otherwise causing corrosive structural damage to the Sewer System or the POTW or equipment;
- (c) Solid or viscous substances in amounts which will cause obstruction of the flow in the Sewer System resulting in interference but in no case solids greater than three-fourths inch (¾") 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 Sewer System;
- (e) Wastewater having a temperature greater than 150° F (65° C), or which will inhibit biological activity in the Sewer System or treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the Sewer System to exceed 10° 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 flammable, explosive, toxic gases, vapors, or fumes within the sewer system in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants that cannot be classified as a septic tank waste;
- (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 containing any radio active wastes or isotopes except in compliance with applicable Commonwealth or Federal regulations;
- (k) Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the Coordinator;
- (l) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (m) Medical wastes, except as specifically authorized by the Coordinator in a wastewater discharge permit;
- (n) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (o) Detergents, surface-active agents, or other substances which may cause excessive foaming in the sewer system;
- (p) Fats, waxes, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l or containing substances which may solidify or become viscous at temperatures between 32°F and 150° (0°C and 65°C);
- (q) Wastewater causing two (2) readings on an explosion hazard meter at the point of discharge into the sewer system, or at any point in the sewer system, of more than five percent (5%) or any single reading over ten percent (10%) of the lower explosive limit of the meter.
- (r) Pollutants, substances, or wastewater prohibited by this Chapter shall not be processed, handled, stored, or disposed of in such a manner that they could be discharged to the sewer system.

B. **National Categorical Pretreatment Standards:** The Federal categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, are hereby incorporated by reference. No user shall introduce or cause to be introduced into the sewer system any pollutants, substances or wastewater in violation of any federal categorical pretreatment standard application to such user.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Coordinator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

- (2) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Coordinator shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
 - (3) 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.
 - (4) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.
- C. **Commonwealth Pretreatment Standards:** The Commonwealth standards for dischargers of industrial wastes to POTW's found at 25 Pa. Code §97.91 et seq. are hereby incorporated by reference. No user shall introduce or cause to be introduced into the sewer system any pollutants, substance or wastewater in violation of any Commonwealth standard applicable to such user.
- D. **Local Limits:** The Township may establish by Ordinance, Resolution, individual wastewater discharge permits, or otherwise, and review from time to time, local limits regulating the discharge of specific pollutants by users, which local limits may be more stringent than those set forth in Subsections 18-402A, 18-402B, and/or 18-402C above.
- (1) Local limits may be established for any substance which is discharged or is likely to be discharged to the sewer system.
 - (2) Local limits may limits concentration, mass, or a combination of the two.
 - (3) Local limits may be established as deemed necessary by the Township to prevent interference, pass through, sludge contamination, violations of the Borough's NPDES Permit, or otherwise to protect the sewer system, human health, and the environment.
 - (4) Local limits may be included in individual wastewater discharge permits or otherwise applied to users as deemed appropriate by the Township.
 - (5) Any discharge by a user of any pollutant in excess of any applicable local limit constitutes a violation of this Chapter.
- E. **Township's Right of Revision:** The Township reserves the right to establish, by ordinance, resolution, individual wastewater discharge permits, or otherwise, more stringent standards or requirements on discharges to the sewer system.
- F. **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 Coordinator 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.
- G. **Special Agreements and Waivers**
- (1) **Waiver of Requirements other than the Federal and Commonwealth Minimum:** No provision of this Chapter shall be construed as prohibiting or preventing any special agreement or arrangement between the Township and any user whereby compatible industrial wastewater discharges of unusual strength or character may be accepted by the Township for treatment, or whereby the Township may otherwise waive or adjust requirements herein, subject to any Township-imposed special conditions and Township-imposed capital and usage charges to the user. However, in no instance shall a waiver or adjustment be granted by the Township which would result in a violation of any applicable minimum Federal or Commonwealth pretreatment requirement or standard (e.g., National Categorical Pretreatment Standards).
 - (2) **Waiver or Adjustment of Local Limits:** The Township specifically reserves the right to grant a waiver or adjustment to any user for any specific local limit developed pursuant

to Section 18-402D above, when it can be demonstrated by the user to the satisfaction of the Township that such waiver or adjustment will not result in interference, pass through, a violation of the Borough's NPDES permit or a violation of this Chapter.

- (a) In no case shall any such waiver or adjustment of local limits allow a user to discharge any pollutant which, in combination with other users' discharges, would reasonably be expected to exceed the mass loadings determined by the Borough as acceptable to the POTW based upon considerations of, among other things, interference, pass through, and sludge contamination. The Township may consider other factors (e.g., effect of the discharge on the POTW's treatment, future expansion, whether compliance with the limit would result in a removal cost wholly out of proportion to the environmental benefits achieved) as it deems appropriate.
- (b) The Township may require a user requesting such special agreement waiving or adjusting any such local limit to submit supporting documentation indicating why the user cannot reasonably expect to meet the local limits, setting forth an expeditious schedule for obtaining compliance with such local limits, and such other information as the Township may require. In granting a special agreement, the Township may impose time limitations upon any less-stringent requirements and a compliance schedule for achieving full compliance. In granting any special agreement, the Township may impose any other special conditions deemed necessary or appropriate by the Township.
- (c) If granting a special agreement under this Section would result in increased costs to the Township (e.g., capital, operations and maintenance, treatment and/or sludge disposal costs), the Township may condition the special agreement upon the agreement of the user to pay such costs, and to provide security adequate in the Township's judgment to assure payment of such costs.

§18-403 PRETREATMENT OF WASTEWATER

- A. Pretreatment Facilities: Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all applicable federal categorical pretreatment standards, Commonwealth industrial waste discharge standards, local limits, and the prohibitions set out in Section 18-402A of this Part within the time limitations specified by EPA, DEP, or the Township, 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 Township for review, and shall be acceptable to the Township 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 Part.
- B. **Additional Pretreatment Measures:**
 - (1) Whenever deemed necessary, the Township 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 sewer system and the POTW and determine the user's compliance with the requirements of this Part.
 - (2) The Township may require any person discharging into the sewer system to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual discharge permit may be issued solely for flow equalization.
 - (3) Grease, oil and/or sand interceptors, i.e., traps shall be provided when, in the opinion of the Township, 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 a type and capacity approved by the Township 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.

- (4) Users with the potential from any discharge flammable substances may be required to install and maintained an approved combustible gas detection meter.

C. Accidental Discharge/Slug Control Plans:

- (1) Each user shall provide protection from any discharge, including, but not limited to, accidental discharges, discharges of nonroutine, episodic nature, a noncustomary batch discharge, or a slug load or slug, of prohibited wastewater, materials, or other substances regulated by wastewater, materials, or other substances regulated by this Part, or that may cause potential problems for the sewer system. Facilities to prevent such discharges shall be provided and maintained at the user's own cost and expense.
- (2) At least once every two (2) years, the Coordinator shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Coordinator may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Coordinator 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 Township of any accident or slug discharge, as required by Section 18-406F of this Part; 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, flow equalization measures and/or facilities, measures for containing toxic organize pollutants, including solvents, and/or measures and equipment for emergency response.

D. Hauled Wastewater:

- (1) Septic tank waste may be introduced into the sewer system only at locations as may be designated by the Township, and at such times as may be established by the Township, provided, however, that nothing herein shall require the Township to accept any hauled or septic tank waste at any time from any source. Such waste shall not violate Section 18-402 of this Part or any other requirements established by the Township. The Township may require septic tank waste haulers to obtain individual wastewater discharge permits.
- (2) The Township shall require haulers of any industrial waste to obtain individual wastewater discharge permits. The Township may require generators of hauled industrial waste to obtain wastewater discharge permits. The Township also may prohibit the disposal of hauled septic and/or industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part.
- (3) Industrial waste haulers may discharge loads only at locations designated by the Township. No load may be discharged without prior consent of the Township. The Township may collect samples of each hauled load to ensure compliance with applicable limits and standards. The Township may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
- (4) 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 hazardous wastes.

§18-404 WASTEWATER DISCHARGE PERMIT APPLICATION

- A. **Wastewater Analysis:** When requested by the Township, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request, or within such other time frame as may be requested by the Township. The Coordinator is authorized to prepare a form for this purpose and may periodically require users to update this information.
- B. **Wastewater Discharge Permit Requirement:**
- (1) No significant industrial user shall discharge wastewater into the sewer system without first obtaining a wastewater discharge permit from the Township, except that a significant industrial user that has filed a timely application pursuant to Section 18-404C of this Part may continue to discharge for the time period specified therein.
 - (2) The Borough may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.
 - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set forth in Section 18-410 through 18-412 of this Part and any other applicable sanctions under Federal and Commonwealth law. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and Commonwealth pretreatment standards or requirements or with any other requirements of Federal, Commonwealth and local laws.
- C. **Wastewater Discharge Permits: 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 Part and who wishes to continue to the Coordinator for a wastewater discharge permit in accordance with Section 18-404E of this Part, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the Coordinator.
- D. **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 Section 18-404E of this Part must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.
- E. **Wastewater Discharge Permit Application Contents:** All users required to obtain a wastewater permit must submit a permit application. The Coordinator may require all users to submit as part of an application the following information:
- (1) All information required by Section 18-406A2 of this Part;
 - (2) 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;
 - (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
 - (4) Each product produced by type, amount, process or processes, and rate of production;
 - (5) Type and amount of raw materials processed (average and maximum per day);

- (6) 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;
 - (7) Time and duration of discharges; and
 - (8) Any other information as may be deemed necessary by the Coordinator to evaluate the wastewater discharge permit application.
 - (9) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.
- F. **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 person 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."*
- G. **Wastewater Discharge Permit Decisions:** The Coordinator 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 Coordinator will determine whether or not to issue a wastewater discharge permit. The Coordinator may deny any application for a wastewater discharge permit."

§18-405 WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

- A. **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 of less than five (5) years, at the discretion of the Township. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- B. **Wastewater Discharge Permit Contents:** A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Township to prevent pass through or interference, protect the quality of the waterbody receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW or sewer system.
- (1) Wastewater discharge permits must contain:
 - (a) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years;
 - (b) A statement that the wastewater discharge permit is non-transferable without prior notification to the Township in accordance with Section 18-405F of this Part, and provisions for furnishing the new owner or operator or user with a copy of the existing wastewater discharge permit;
 - (c) Effluent limits based on applicable pretreatment standards;
 - (d) Self monitoring, sampling, reporting, notification, and recordkeeping requirements: These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, Commonwealth or local law; and

- (e) 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, Commonwealth or local law.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (b) 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 sewer system;
 - (c) 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;
 - (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the sewer system;
 - (e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the sewer system;
 - (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (g) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and Commonwealth pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
 - (h) Other conditions as deemed appropriate by the Township to ensure compliance with this Chapter and all applicable Commonwealth and Federal laws, rules, and regulations.
- C. **Wastewater Discharge Permit Appeals:** The Coordinator shall provide public notice of the issuance, reissuance, modification, transfer, suspension, revocation, or denial of any of the foregoing, with respect to any individual of a wastewater discharge permit. Any person, including the user, may administratively petition the Township to reconsider such a wastewater discharge permit determination within thirty (30) days of notice thereof.
- (1) Failure to submit to the Township a written timely administrative petition for reconsideration shall be deemed to be a waiver of the administrative appeal.
 - (2) In its petition, the appealing party must indicate the wastewater discharge permit determination provisions objected to, the reasons for this objection, and the alternative conditions or provisions, if any, it seeks to place in the wastewater discharge permit.
 - (3) The effectiveness of the wastewater discharge permit determination shall not be stayed pending the appeal.
 - (4) If the Township fails to act within sixty (60) days, the administrative petition for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit determination as referenced above shall be considered final administrative actions for purposes of subsequent judicial review.
 - (5) Aggrieved parties seeking judicial review of any final administrative wastewater discharge permit decision (including, without limitation, any permit issuance, modification, transfer, suspension, revocation, or denial of any of the foregoing) by the Township must appeal such action within thirty (30) days to the Court of Common Pleas of Beaver County.

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- (6) Any action of the Township for which review has been otherwise available hereunder shall not be subject to administrative or judicial review in any civil or criminal proceedings for enforcement.
- D. **Wastewater Discharge Permit Modification:** The Township, unilaterally or upon application, may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) To incorporate any new or revised Federal, Commonwealth or local pretreatment standards or requirements;
 - (2) 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;
 - (3) A change in the sewer system or the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (4) Information indicating that the permitted discharge poses a threat to the Borough's POTW, Borough personnel, the sewer system, Township personnel or the receiving waters;
 - (5) Violation of any terms or conditions of the wastewater discharge permit;
 - (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (7) Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
 - (8) To correct typographical or other errors in the wastewater discharge permit; or
 - (9) To reflect a transfer of the facility ownership or operation to a new owner or operator or user. Modification for this purpose may not be allowed unless the permit is transferable as provided in Section 18-405E of this Chapter.
- E. **Wastewater Discharge Permit Transfer:** Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance notice to the Township and the Township approves the wastewater discharge permit transfer. The notice to the Township must include a written certification by the new owner or operator or user which:
- (1) States that the new owner and/or operator and/or user has no immediate intent to change the facility's operations and processes;
 - (2) Identified the specific date on which the transfer is to occur; and
 - (3) Assumes and acknowledges full responsibility and liability for complying with the existing wastewater discharge permit.
- Failure to provide advance notice of a transfer and to obtain prior approval of such transfer renders the wastewater discharge permit void as of the date of facility transfer.
- F. **Wastewater Discharge Permit Revocation:** The Township may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (1) Failure to notify the Township of significant changes to the wastewater prior to the changed discharge;
 - (2) Failure to provide prior notification to the Township of changed conditions pursuant to Section 18-406E of this Chapter;
 - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

- (4) Falsifying self-monitoring reports or otherwise creating, maintaining, and/or providing inaccurate or false information, data, documents and/or reports with respect to the user's discharge or any other information or documentation required to be maintained or provided under this Chapter, the user's permit, wastewater discharge, or applicable Federal and Commonwealth pretreatment laws and regulations;
- (5) Tampering with monitoring equipment;
- (6) Refusing to allow the Township timely access to the facility premises and records;
- (7) Failure to meet effluent limitations;
- (8) Failure to pay fines and/or penalties;
- (9) Failure to pay sewer charges;
- (10) Failure to meet compliance schedules;
- (11) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
- (13) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Chapter; or
- (14) Failure to provide any or all documents and information as may be requested by the Township.

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.

- G. **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 18-405E of this Chapter, a minimum of sixty (60) days prior to the expiration of the user's existing wastewater discharge permit.

H. **Regulation of Waste Received from Other Jurisdictions:**

- (1) If another municipality or user located within another municipality contributes wastewater to the sewer system, the Township shall enter into an interjurisdictional agreement with the contributing municipality.
- (2) Prior to entering into an agreement required by Subsection H(1) above, the Township shall request the following information from the contributing municipality:
 - (a) A description of the quality and volume of wastewater discharged to the sewer system by the contributing municipality;
 - (b) An inventory of all users located within the contributing municipality that are discharging to the sewer system; and
 - (c) Such other information as the Township may deem necessary.
- (3) An intermunicipal agreement, as required by Subsection H(1) above, shall contain the following conditions:
 - (a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Chapter, and local limits which are at least as stringent as those set out in Section 18-402D of this Chapter. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Township's regulations or local limits;

- (b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (c) A provision that the contributing municipality shall designate the Borough's employees and agents as representatives of the contributing municipality with the same authority as employees or agents of the contributing municipality for the purposes of administration, implementation and enforcement of the pretreatment program, including wastewater discharge permit issuance, inspection and sampling, and enforcement;
- (d) A requirement for the contributing municipality to provide the Coordinator with access to all information and documentation that the contributing municipality may obtain as part of its pretreatment activities;
- (e) Limits on the nature, quality and volume of the contributing municipality's wastewater at the point where it discharges to the sewer system;
- (f) Requirement for monitoring the contributing municipality's discharge;
- (g) A provision ensuring the Coordinator 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 Coordinator; and
- (h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

§18-406 RERPORTING REQUIREMENTS

A. Baseline Monitoring Reports:

- (1) Within either one hundred and 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 sewer system shall submit to the Coordinator a report which contains the information listed in Subsection (2) 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 Coordinator a report which contains the information listed in Subsection 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.
- (2) Users described above shall submit the information set forth below:
 - (a) **Identifying Information:** The name and address of the facility, including the name of the operator and owner.
 - (b) **Environmental Permits:** A list of any environmental control permits held by or for the facility.
 - (c) **Description of Operations:** A brief description of the nature, average rate of production, and standard industrial classifications⁹ of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the sewer system from the regulated processes.
 - (d) **Flow Measurement:** Information showing the measured average daily and maximum daily flow, in gallons per day, to the sewer system from regulated process

⁹ The Standard Industrial Classification was replaced in 1997 by the North American Industry Classification System (NAICS).

streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).

(e) **Measurement of Pollutants:**

- [1] The categorical pretreatment standards applicable to each regulated process.
- [2] The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Coordinator, 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 18-406J of this Chapter.
- [3] Sampling must be performed in accordance with procedures set out in Section 18-406K of this Chapter.

(f) **Certification:** A statement, reviewed by the user's authorized representative and certified 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.

(g) **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 18-406B of this Chapter.

(h) **Signature and Certification:** All baseline monitoring reports must be signed and certified in accordance with Section 18-404F of this Chapter.

B. **Compliance Schedule Progress Reports:** The following conditions shall apply to the compliance schedule required by Section 18-406A2(g) of this Chapter:

- (1) The schedule shall contain progress increments 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);
- (2) No increment referred to above shall exceed nine (9) months;
- (3) The user shall submit a progress report to the Coordinator no later than fourteen (14) days following each date in the schedule and the final date of 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 to the established schedule; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the Coordinator.

C. **Reports 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 sewer system, any user subject to such pretreatment standards and requirements shall submit to the Coordinator a report containing the information described in Section 18-406A(2)(d-f) of this Chapter. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 4.3.6(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 18-404F of this Chapter.

D. Periodic Compliance Reports:

- (1) All significant industrial users shall, at a frequency determined by the Coordinator, but in no case less than twice per year (in June and December), 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 18-404F of this Chapter.
- (2) 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 a 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.
- (3) If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Coordinator using the procedures prescribed in Section 18-406K of this Chapter, the results of this monitoring shall be included in the report.
- (4) The Township or its designee may sample and analyze user discharges in lieu of and/or in addition to requiring users to conduct the sampling and analysis as set forth above.
- (5) Individual wastewater discharge permits as issued by the Township may require more frequent monitoring and compliance reporting than the above.

E. Reports of Changed Conditions: Each user must notify the Coordinator 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 thirty (30) days before the change.

- (1) The Coordinator 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 18-404E of this Chapter.
- (2) The Coordinator may issue a wastewater discharge permit under Section 18-404E of this Chapter or modify an existing wastewater discharge permit under Section 18-405D of this Chapter in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases over the daily flow measurements reported by the user in its baseline monitoring report of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

F. Reports of Potential Problems:

- (1) 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 or slug that may cause potential problems for the sewer system, the user shall immediately (and in no event more than within twenty-four [24] hours thereof) telephone and notify the Coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and the corrective actions taken by the user.
- (2) 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 sewer system, 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 Chapter or any other applicable law.

- (3) 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 F(1) above. Users shall ensure that all of their employees who may cause, contribute to, or witness the occurrence of such a discharge are advised of the emergency notification procedures.
- G. **Reports from Unpermitted Users:** All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Coordinator as the Coordinator may require.
- H. **Notice of Violation/Repeat Sampling and Reporting:** If sampling performed by a user indicates a violation, the user must notify the Coordinator within twenty-four (24) hours and in writing within five (5) days of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Coordinator within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Coordinator monitors at the user's facility at least once a month or if the Coordinator samples between the user's initial sampling and when the user receives the results of this sampling.
- I. **Notification of the Discharge of Hazardous Waste:**
- (1) Any user who commences the discharge of hazardous waste shall notify the Township, the EPA Regional Waste Management Division Director, and the Commonwealth hazardous waste authorities, in writing, of any discharge into the sewer system 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 sewer system, 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 that 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 18-406E of this Chapter. 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 18-406 A, C and D of this Chapter.
 - (2) Dischargers are exempt from the requirements of Subsection (1) above during a calendar months in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous waste as specified in 40 CFR Section 261.30(d) and Section 261.33(e). Discharges 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 Section 261.30(d) and Section 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.
 - (3) 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 Coordinator, the EPA Regional Waste Management Waste Division Director, and the Commonwealth hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) 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.
 - (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, and/or any applicable Federal or Commonwealth law.
 - (6) No hazardous waste shall be discharged to the sewer system by any user unless specifically approved by the Coordinator.
- J. **Analytical Requirements:** All pollutant analyses, including sampling techniques to be submitted as 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 analysis must be performed in accordance with procedures approved by EPA and/or DEP.
- K. **Sample Collection:**
- (1) Except as indicated in Subsection (2) below or otherwise in this Chapter or an industrial wastewater discharge permit, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Coordinator may authorize the use of time proportionate sampling or a minimum of four (4) grab samples where the user demonstrates that his will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
 - (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
 - (3) In addition, the Township expressly reserves the right to construct, install, operate and/or maintain off-site sampling and flow monitoring stations with respect to any user. In the event of discrepancies, the data collected from the Township's off-site station shall take precedence over the data collected from the user's on-site station.
- L. **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 services by the United States Postal Service, the date of receipt of the report shall govern.
- M. **Record Keeping:** Users subject to the reporting requirements of this Chapter 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 methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) 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 Coordinator.

§18-407 COMPLIANCE MONITORING

- A. **Right of Entry: Inspection and Sampling:** The Township or its designees 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 Township ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

- (1) 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 Township representative will be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The Township shall have the right to set up on or off the user's property, and/or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operation and discharge.
- (3) The Township 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 or otherwise as required by the Township to ensure their accuracy.
- (4) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at a written or verbal request of the Township and shall not be replaced. The costs of clearing such access shall be born by the user.
- (5) Unreasonable delays in allowing the Township or its representative access to the user's premises shall be a violation of this Chapter.

- B. **Search Warrants:** If the Township 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 Chapter, 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 Chapter or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Coordinator may seek issuance of a search warrant from the District Justice and/or the Court of Common Pleas of Beaver County.

§18-408 CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs, and from the Township'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 Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable Commonwealth 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 of uses related to the 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.

§18-409 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Coordinator shall publish annually in the largest daily newspaper published in the municipality where the sewer system is located, a list of the users which, during the previous twelve (12) months, were in 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 (6) month 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 (6) month 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 Coordinator believes has caused, alone or in the combination with other discharges, interference or pass through, including endangering the health of sewer system 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 Coordinator's exercise of its 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 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 Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

§18-410 ADMINISTRATIVE ENFORCEMENT REMEDIES

- A. **Notice of Violation:** When the Coordinator finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirements, the Coordinator may serve upon that user a written Notice of Violation. Within a maximum of thirty (30) days of the receipt of such 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 Coordinator. 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 Part shall limit the authority of the Coordinator to take any action, including emergency actions or any other enforcement action without first issuing a Notice of Violation.
- B. **Consent Orders:** The Township may enter into Consent Orders, assurance 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 Sections 18-410(D) and 18-410(E) of this Chapter and shall be judicially enforceable.
- C. **Show Cause Hearing:** The Coordinator may order a user which has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Township Supervisors or their designee and show cause why the proposed enforcement action should not be taken. Notice shall be served upon 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 then (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.

- D. **Compliance Orders:** When the Coordinator finds that a user has violated, or continues to violate, any provisions of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Coordinator 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.
- E. **Cease and Desist Orders:** When the Coordinator finds that a user has violated, or continues to violate, any provisions of this Chapter, 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 Coordinator may issue an order to the user directing it to cease and desist all such violations and directing the user to:
- (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventative 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.
- F. **Administrative Civil Penalties:**
- (1) When the Township finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Township may assess a civil penalty against such user in an amount not to exceed twenty-five thousand dollars (\$25,000) per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. In the case of monthly or other long term average discharge limits, civil penalties may be assessed for each day during the period of violation.
 - (2) The procedures for assessing and appealing such administrative civil penalties, and the relevant factors to be considered in assessing such penalties, shall be as set forth in the Township of North Sewickley Civil Penalty Assessment Policy and incorporated herein by reference.
 - (3) In addition to the civil penalties provided herein, the Township may recover interest, damages, reasonable attorney's fees, expert witness fees, administrative or Show Clause proceedings costs and/or court costs, court reporter fees and other administrative enforcement, proceedings and/or litigation expenses against the person or user found to be in violation of this Chapter.
 - (4) Assessment of an administrative civil penalty hereunder shall not be a bar against, or a prerequisite for, taking any other action against the user.
- G. **Emergency Suspensions:** The Coordinator may immediately suspend a user's discharge after information notice to a user, whenever such suspension is necessary in the opinion of the Coordinator to stop an actual or threatened discharge which presents or causes, or may

present or cause imminent or substantial endangerment to the health or welfare of persons, which threatens or causes interference or pass through or sludge contamination with respect to the sewer system which threatens or causes the sewer system or the POTW to violate any term or condition of its NPDES permit, or which presents or causes, or may present or cause, an endangerment to the environment.

- (1) Any person or 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 Coordinator may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the sewer system or the POTW, its receiving stream, or endangerment to any individuals. The Coordinator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Coordinator that the period of endangerment has passed, unless the termination proceedings in Section 18-410H of this Chapter are initiated against the user.
- (2) A user that is responsible, in whole or in part, for any discharge presenting such 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 Coordinator within five (5) days thereof.

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

H. **Termination of Discharge:** In addition to the provisions of Section 18-405F of this Chapter, any user who violates the following conditions may be subject to discharge termination:

- (1) Violation of wastewater discharge permit conditions;
- (2) Failure to accurately report the wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Section 18-402 of this Chapter.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 18-410C of this Chapter why the proposed action should not be taken. Exercise of this option by the Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the user.

§18-411 JUDICIAL ENFORCEMENT REMEDIES

A. **Injunctive Relief:** When the Coordinator finds that a user has violated, or continues to violate, any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Coordinator may seek 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 Chapter on activities of the user. The Coordinator may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental abatement, remediation, and/or corrective action. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

B. **Judicially-Imposed Civil Penalties:**

- (1) A user who has violated, or continues to violate, any provision of this Chapter, 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 day per violation. Each violation for each separate day shall constitute a separate and distinct offense under this subsection. In the case of a monthly or other long-term average discharge limit, penalties may accrue for each day during the period of the violation.

- (2) In addition to the civil penalties provided herein, the Township may recover interest, damages, reasonable attorney's fees, expert witness fees, administrative or show cause proceedings costs and/or court costs, court reporter fees and other administrative enforcement, proceedings and/or litigation expenses against the person or user found to be in violation of this Chapter.
- (3) In determining the amount of the civil penalty liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the corrective actions by the user, the compliance history of the user, and any other factors as justice requires, expressly including the factors set forth in the Township of North Sewickley Civil Penalty Assessment Policy.
- (4) Filing a suit for judicially-imposed civil penalties hereunder shall not be a bar against, or a prerequisite for, taking any other action against a user.

C. Criminal Prosecution:

- (1) A user who willfully or negligently introduces any substance into the sewer system which causes personal injury or property damage shall, upon conviction, be guilty of a criminal offense and be subject to a penalty of not more than three hundred dollars (\$300) per violation, per day, or imprisonment for not more than ninety (90) days, or both.
- (2) A user who willfully or negligently introduces any substance into the sewer system which causes personal injury or property damage shall, upon conviction, be guilty of a criminal offense and be subject to a penalty of not more than three hundred dollars (\$300), or be subject to imprisonment for not more than ninety (90) days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under Commonwealth law.
- (3) A user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this Chapter, wastewater discharge permit or order issued hereunder, or who falsifies, tampers with or knowingly renders inaccurate any monitoring devise or method required under this Chapter shall, upon conviction, be guilty of a criminal offense, punishable by a fine of not more than three hundred dollars (\$300) per violation, per day, or imprisonment for not more than ninety (90) days, or both.

- D. **Remedies Nonexclusive:** The remedies provided for in this Chapter are not exclusive. The Coordinator 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 Coordinator may take other action against any user when the circumstances warrant. Further, the Coordinator is empowered to take more than one enforcement action against any noncompliant user.

§18-412 SUPPLEMENTAL ENFORCEMENT ACTION

- A. **Performance Bonds:** The Coordinator may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Chapter, 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 Coordinator to be necessary to achieve consistent compliance.
- B. **Liability Insurance:** The Coordinator may decline to issue or reissue a wastewater discharge permit to any user, including without limitation, any user who has failed to comply with any provision of this Chapter, a previous wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the sewer system caused by its discharge.
- C. **Water Supply Severance:** Whenever a user has violated or continues to violate any provision of this Chapter, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed, in accordance with applicable law. Service will only recommence, at user's expense, after it has satisfactorily demonstrated its ability to comply.
- D. **Public Nuisance:** A violation of any provision of this Chapter, 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 Coordinator. Any person(s) creating a public nuisance shall be subject to the provisions of applicable law governing such nuisances, including reimbursing the Township for any costs incurred in removing, abating, or remedying said nuisance.

§18-413 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

- A. **Upset:**
- (1) For the purposes of this Part, "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 preventative maintenance or careless or improper operation.
 - (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Section 18-413A(3) below are met.
 - (3) A user who wishes to establish the affirmative defense of upset shall demonstrate through properly signed contemporaneous operating logs or other relevant evidence that:
 - (a) An upset occurred and the user can identify the cause(s) of the upset;
 - (b) The facility was at the time being operated in a prudent and workmanlike manner, and in compliance with applicable operation and maintenance procedures; and

- (c) The user has submitted the following information to the Coordinator within twenty-four (24) hours of becoming aware of the upset. If this information is initially provided orally, a written submission must be provided within five (5) days of becoming aware of such upset:
- [1] A description of the indirect discharge and cause of noncompliance;
 - [2] The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - [3] Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- (5) Upset 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.
- (6) 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 the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.
- B. **Prohibited Discharge Standards:** A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general provisions in subsection 18-402A(1) of this Chapter or the specific prohibitions in subsections 18-402B(i) through (r) of this Chapter 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:
- (1) 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
 - (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Borough was regularly in compliance with its NPDES permit, and in the case of interference was in compliance with applicable sludge use or disposal requirements.
- C. **Bypass¹⁰:**
- (1) 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 subsections 18-413C 2 and 3 of this Section.
 - (2) Notice:
 - (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Coordinator at least ten (10) days before the date of the bypass, if possible.
 - (b) A user shall submit oral notice to the Coordinator 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 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.

¹⁰ Definitions originally in this sections have been moved to Section 18-401D, Definitions.

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- (3) Bypass is prohibited and the Coordinator 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 periods of equipment downtime or preventative maintenance; and
 - (c) The user submitted notices as required herein.
 - (4) The Coordinator may approve an anticipated bypass after considering its adverse effects if the Coordinator determines that it will meet the three (3) conditions listed in subsection (3) above.

§18-414 PRETREATMENT CHARGES AND FEES

- A. The Township may adopt reasonable fees for reimbursement of costs of setting up, operating and implementing the Township's Pretreatment Program which may include:
 - (1) Fees for wastewater discharge permit applications including the costs of processing such applications;
 - (2) Fees for monitoring, inspection and surveillance procedures including the costs of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users;
 - (3) Fees for reviewing and responding to accidental discharge procedures and construction;
 - (4) Fees for filing appeals; and
 - (5) Other fees as the Township may deem necessary to carry out the requirements contained herein.
- B. These charges and fees relate solely to the matters covered by this Chapter and are separate from all other fees, fines and penalties chargeable by the Township.