
EXHIBIT H

EAST NORRITON TOWNSHIP
CURRENTLY EFFECTIVE SEWER ORDINANCE

Chapter 162

SEWERS

GENERAL REFERENCES

Municipal authorities — See Ch. 18.

Stormwater Maintenance Fund — See Ch. 43.

Uniform Construction Code — See Ch. 74.

Flood damage prevention — See Ch. 105.

Grading and excavations — See Ch. 114.

Stormwater management — See Ch. 166.

Streets and sidewalks — See Ch. 168.

Subdivision and land development — See Ch. 175.

Use and occupancy permits — See Ch. 190.

Zoning — See Ch. 205.

ARTICLE I

Sewer District No. 1**[Adopted 10-5-1959 by Ord. No. 28]****§ 162-1. District created.**

There is hereby created in East Norriton Township a Sewer District to be known as "East Norriton Sewer District No. 1," to be bounded according to a plan dated August 1959, prepared by Albright & Friel, Consulting Engineers, Philadelphia, Pennsylvania, copies of which plan are on file and may be examined at the Township Municipal Building, 2828 Swede Road, Norristown, Montgomery County, Pennsylvania.

§ 162-2. Area designated. [Amended 4-20-1981 by Ord. No. 158; 6-8-1982 by Ord. No. 172; 11-18-2014 by Ord. No. 558]

The entire Township of East Norriton is hereby designated as a service area except for those areas where East Norriton Township has or will fund or construct a sanitary sewer system or where the Township has or will obtain by agreement or deed of dedication a sanitary sewer system. The Township hereby reserves the right to provide sanitary sewer service to any portions of Sewer District No. 1.

§ 162-3. (Reserved)¹**§ 162-4. Authorization to enter into agreements. [Added 4-20-1981 by Ord. No. 158]**

The appropriate officials of East Norriton Township are hereby authorized to enter into such agreements as are necessary to effectuate the intent of this article.

1. Editor's Note: Former § 162-3, Grant of authority, amended 4-20-1981 by Ord. No. 158, was repealed 11-18-2014 by Ord. No. 558.

ARTICLE II
Sewer Connection Charges
[Adopted 3-14-1960 by Ord. No. 31]

§ 162-5. Definitions.

As used in this article, the following terms shall have the meanings indicated:

²INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from domestic sewage.

OCCUPIED BUILDING — Each single dwelling unit, household unit, flat or apartment unit, store, shop, office, business or industrial unit or family unit contained within any structure erected within 150 feet of the sewer system and intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage is or may be discharged. **[Added 6-8-1982 by Ord. No. 172]**

PERSON — Any individual, firm, company, association, society, corporation or group. **[Amended 6-8-1982 by Ord. No. 172]**

PROPERTY ACCESSIBLE TO THE SEWER SYSTEM — The improved property which adjoins, abuts on or is adjacent to the sewer system or as may be further defined or modified under rules and regulations adopted pursuant to § 162-10A. **[Added 6-8-1982 by Ord. No. 172]**

SANITARY SEWAGE — The normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments. **[Amended 6-8-1982 by Ord. No. 172]**

SEWER DISTRICT — The East Norriton Sewer District No. 1 as designated and created pursuant to Township Ordinance No. 28, as amended by Ordinance No. 158 and Ordinance No. 172.³ **[Added 6-8-1982 by Ord. No. 172]**

SEWER SYSTEM — Refers to the public sanitary sewer collection system, together with appurtenant facilities now or later constructed for the Sewer District and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Township or to any part or parts or any or all thereof. **[Amended 6-8-1982 by Ord. No. 172]**

SUPERVISORS — The group of elected officials acting as the governing body of the Township. **[Amended 6-8-1982 by Ord. No. 172]**

2. Editor's Note: The definition of "Authority," which immediately preceded this definition, added 6-8-1982 by Ord. No. 172, was repealed 11-18-2014 by Ord. No. 558.

3. Editor's Note: See §§ 162-1 and 162-2 of Art. I of this chapter.

TOWNSHIP — The Township of East Norriton, Montgomery County, Pennsylvania, or the duly constituted and elected Municipal Authorities thereof. **[Amended 6-8-1982 by Ord. No. 172]**

§ 162-6. Notice of completion. [Added 6-8-1982 by Ord. No. 172]

Whenever any portions of the sewer system are ready for public use, it shall be the duty of the Township to cause notice of the fact to be given by advertisement published once in one newspaper of general circulation in the Township, and such advertisement shall state that the sewer system may be used by all persons owning occupied buildings on property accessible to the sewer system, subject to the payment of any connection charges and of annual sewer rentals in amounts as may from time to time be fixed by the Township.

§ 162-7. Connection required. [Added 6-8-1982 by Ord. No. 172]

- A. All persons owning any occupied building now erected upon property accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 90 days after the date of publication specified in § 162-6.
- B. All persons owning any property accessible to the sewer system upon which an occupied building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.
- C. All persons owning any occupied building upon property which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 90 days after notice to do so from the Township.
- D. Where more than one occupied building, as hereinbefore defined, is contained in a separate structure, a single common connection to the lateral of the sewer system shall be permitted for accommodating all units contained in such structure, except that separate connections shall be required for each semidetached or row-type house or structure.

§ 162-8. Receptacles prohibited; exception. [Added 6-8-1982 by Ord. No. 172]

- A. It shall be unlawful for any person owning any property accessible to the sewer system to erect, construct or use or maintain or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank or other receptacle on such premises or otherwise for receiving sanitary sewage after the expiration of the particular period specified in § 162-7 hereof or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sanitary sewage into the gutters of the Township, the storm sewers of the Township or upon public or private property or otherwise, except into the sewer system.

- B. The foregoing notwithstanding, any owner of an occupied building accessible to the sewer system who maintains facilities to discharge sanitary sewage below the first floor of an occupied building shall be permitted to maintain a cesspool or septic tank of the type approved by the Montgomery County Health Department or Township Sewage Enforcement Officer so long as said system functions properly in the sole discretion of the Montgomery County Health Department or Sewage Enforcement Officer. In the event of a malfunction and in all cases involving the immediately preceding section of this article, all cesspools or septic tanks shall be disconnected from the occupied building and shall be properly backfilled under the direction of the Montgomery County Health Department or Township Sewage Enforcement Officer. **[Amended 11-18-2014 by Ord. No. 558]**

§ 162-9. Nuisance declared; abatement. [Added 6-8-1982 by Ord. No. 172]

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole or septic tank on any property accessible to the sewer system or otherwise erects, constructs, uses or maintains any pipe, conduit, drain or other facility for the discharge of sanitary sewage in violation of this article shall be deemed and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Township is hereby authorized and directed to abate in the manner provided by law.

§ 162-10. Compliance. [Added 6-8-1982 by Ord. No. 172]

- A. No connection shall be made to the sewer system except in compliance with the Standard Specifications for Construction of Sanitary Sewer Systems for East Norriton Township, which may be adopted or amended by ordinance or resolution of the Board of Supervisors from time to time. **[Amended 11-18-2014 by Ord. No. 558]**
- B. It shall be unlawful and a violation of this article for any owner of any occupied building on property accessible to the sewer system to fail to connect such property with the sewer system within 90 days after having received notice to do so from the Township.

§ 162-11. Evidence of competency. [Added 6-8-1982 by Ord. No. 172]

- A. Persons, firms and corporations desiring to do plumbing intended to be connected to the sewer system shall exhibit evidence of competency to perform the connection to the Township and shall obtain a permit for the connection from the Township, as is more specifically provided in Township Ordinance No. 35 of January 9, 1961,⁴ all amendments thereto and all resolutions or regulations adopted pursuant thereto.

4. Editor's Note: See Art. III of this chapter.

- B. Any plumber or other person who shall neglect or refuse to take out a permit or comply with the provisions of this article shall not be deemed competent to perform any work intended to be connected with the sewers, and no work performed by such plumbers or other persons shall be connected with any sewers.

§ 162-12. Each building to constitute separate unit. [Added 6-8-1982 by Ord. No. 172]

Each occupied building, as hereinbefore defined, whether or not the owners thereof shall be permitted to connect two or more occupied buildings or units by a single connection to a lateral of the sewer system or shall be required to make separate connections for each occupied building or unit, shall constitute a separate and distinct unit under the provisions of this article, and the persons owning occupied buildings consisting of multiple units contained in the same structure who violate any of the provisions of this article shall be subject to the aforesaid fine for each and every one of such occupied buildings or units which is in violation of the provisions of this article.

§ 162-13. Statement of costs. [Added 6-8-1982 by Ord. No. 172]

Concurrently with the filing of the engineer's certificate of completion of the Whitehall Road Sewer Project, F.X. Ball Associates, Inc., Township's Engineer, shall submit its statement of costs of said project which are eligible for assessment. The entire amount of costs deemed assessable shall be assessed against the owners of all properties benefited, improved or accommodated by the sanitary sewers according to the front-foot rule as interpreted by the courts of this commonwealth. The amount of assessment shall be determined by dividing the assessable costs of the project by the number of assessable front feet.

§ 162-14. Assessment of corner properties. [Added 6-8-1982 by Ord. No. 172]

The foregoing notwithstanding, owners of corner properties which are serviced on two sides by sanitary sewers shall be assessed only on that side of the property having the longest portion of the sanitary sewer line serving it.

§ 162-15. Assessment bills; delinquency. [Added 6-8-1982 by Ord. No. 172]

After determining the proper assessment charge for each property benefited, improved or accommodated by the sanitary sewer system, the Township shall forward assessment bills by certified mail. All assessments shall be due and payable within 90 days from the date of mailing by the Township. All delinquent assessment bills shall be subject to the administrative charge specified herein, interest at 10% until paid, and shall be a lien on the property served and shall be entered as a lien against such

property in the office of the Prothonotary of Montgomery County and shall be collected in the manner provided by law for the filing and collection of such liens or in such other manner as may be provided by law.

§ 162-16. Administrative fees; delinquency. [Added 6-8-1982 by Ord. No. 172]

- A. The Township hereby establishes an administrative fee to be imposed upon all persons against whom liens or other legal process must be filed in order to collect sewer rentals, assessments, connection fees, permit fees and other charges relating to the sanitary sewer system. Said administrative fee shall be equal to the actual filing and legal expenses incurred by the Township excluding other court costs incidental to the collection of said liens or other charges. **[Amended 11-18-2014 by Ord. No. 558]**
- B. All delinquent sewer rental, connection fees, permit fees and other charges relating to the sewer system shall bear interest at the highest rate of interest permissible by law from the date said debt was due until the date of payment.

§ 162-17. Additional charges. [Added 6-8-1982 by Ord. No. 172]

In order to more rapidly respond to the need to revise, amend, increase or decrease sewer rentals and all other charges, except assessments, relating to the sanitary sewer system, said changes may be accomplished by subsequent resolution or ordinance adopted by the Board of Supervisors of East Norriton Township.

§ 162-18. Violations and penalties. [Added 6-8-1982 by Ord. No. 172; amended 12-19-1988 by Ord. No. 274]

Any person, corporation or other entity who shall violate any of the provisions of this article or who should fail to comply with any notice of violation herein, upon conviction before a District Justice within the magisterial district within which the Township of East Norriton is a part, shall be fined not more than \$600 plus costs of prosecution after a summary proceeding brought in the name of the Township before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists. In default of the payment of any fine imposed and the costs, the person or persons that are charged may be sentenced to be committed to the county jail for a period not exceeding 30 days.

§ 162-19. Exclusive rights. [Added 6-8-1982 by Ord. No. 172]

The rights of the Township to act pursuant to the terms of the Article shall not be deemed exclusive but shall be in addition to the rights provided to the Township in any other ordinances, regulations, statutes or laws of the Commonwealth of Pennsylvania or the United States of America.

§ 162-20. Tapping fee. [Added 8-5-1963 by resolution; amended 3-17-1986 by Ord. No. 230; 2-23-1987 by Ord. No. 245; 7-29-1991 by Ord. No. 302]

There is hereby imposed on each owner of property connecting to the sewer system a tapping fee of \$3,260. This charge shall be due based upon the number of equivalent dwelling units to be served, regardless of the number of actual connections to the sewer system. Hereinafter, the amount of the tapping fee may be changed by resolution of the Board of Supervisors of the Township as it may duly authorize and enact from time to time.

§ 162-21. Imposition of sewer rent.

There is hereby imposed upon each property within the limits of Sewer District No. 1 in the Township served by the sewer system and having the use thereof a quarterly sewer rent or charge, payable as hereinafter provided, for the use, whether direct or indirect, of the sewer system, based on the schedules of classifications and rates or charges herein after set forth.

§ 162-22. Rates; rebates. [Amended 10-20-1986 by Ord. No. 237]

- A. East Norriton Township adopts the sewer rate schedule for metered water users attached hereto and made a part hereof as Exhibit A.⁵The rates will start to be applied to all consumption calculated based on water meter readings starting on June 1, 2007. **[Last amended 4-17-2007 by Ord. No. 495⁶]**
- B. All domestic users owning property connecting to the sewer system and served with water service, all of which water service is unmetered, shall pay a quarterly flat rate rental of sanitary sewage charge of \$100.52. The rate will start to be applied starting on June 1, 2007. **[Last amended 4-17-2007 by Ord. No. 495⁷]**
- C. Multiple use. In case of a combination of two or more dwellings, units, households, flats, apartments, stores, shops, offices or business units or two or more families using separate cooking and/or bathroom facilities in one dwelling having use of the sewer system through one sewer lateral, each and every such dwelling unit, household, flat, apartment, store, shop, office or business unit or such family shall be charged the foregoing minimum sewer rents or charges, the same as if each such unit or family had a direct and separate connection to the sewer system. Sewer rents or charges in excess of such minimum shall, in the case of metered water users, be determined by dividing the total of water consumed, as shown by the meter readings, by the number of units

5. Editor's Note: Exhibit A is on file in the office of the Township Secretary.

6. Editor's Note: This ordinance also provided that subsequent amendments to § 162-22, Rates; rebates, may be accomplished by resolution of the Board of Supervisors.

7. Editor's Note: This ordinance also provided that East Norriton Township reserves the right to enter into separate contracts for the collection and treatment of sanitary sewage from unmetered commercial, public and industrial users.

or families using such single sewer connection and applying the above rate schedule to the quantity so determined.

- D. (Reserved)⁸
- E. Rebates. No rebate will be allowed due to unoccupancy or vacancy for a period of less than six months. **[Amended 11-18-2014 by Ord. No. 558]**

§ 162-23. Additional sewer rent for industrial wastes.

- A. The sewer rentals and charges for collection and treatment of industrial wastes discharged into the sewer system shall be made in accordance with § 162-22 above. In addition thereto, further charges shall be made for all sewage discharged into the sewer system having suspended solids and biochemical oxygen demand in excess of the following concentrations:
 - (1) Suspended solids: 350 parts per million.
 - (2) BOD: 300 parts per million.
- B. The additional charge for sewage having concentration in excess of the foregoing shall be based on the strength factor determined according to the following formula:

$$\text{Factor \%} = 60 + 10 \left(\frac{\text{BOD in ppm}^*}{300} \right) + 30 \left(\frac{\text{SS in ppm}^*}{350} \right)$$

***NOTE:** Where these figures are less than 300 parts per million in BOD or 350 parts per million in suspended solids, the value in the parenthesis shall be equal to one.

- C. In cases where the suspended solids, in the opinion of the Township, do not represent the true characteristics of the solids loading, the Township reserves the right to use total solids instead of suspended solids.
- D. No industrial user shall begin or continue to discharge any industrial waste into the sewer system until he has first submitted a written application to the Township for permission to do so, accompanied by a detailed report prepared by a sanitary engineer registered in Pennsylvania and satisfactory to the Township, setting forth such information relating to such industrial waste as the Township may require and until the Township shall have consented to such discharge.

8. Editor's Note: Former Subsection D, Garbage grinders, was repealed 11-18-2014 by Ord. No. 558.

§ 162-24. Measuring volume of sanitary sewage.

A. Methods of measuring volume.

- (1) Whenever a person purchasing all water used from the water supplier discharges sanitary sewage into the sewer system, the volume of water consumed, as determined from meter readings of the water supplier, shall be used in computing the sewer rental.
- (2) In cases where dwellings and establishments have sources of water supply in addition to or other than that of the water supplier, those dwellings and establishments shall provide a meter on such additional or other source of supply. The total amount of water consumed, as shown by these meter readings, will be used in computing the sewer rental.
- (3) In cases where establishments use water from the water supplier and/or from an independent supply for industrial or recreational purposes, such that the water so used is not discharged into the sewer system, the quantity of water used to determine the sewer rental shall be computed by one of the following methods:
 - (a) Method No. 1: by placing a meter or measuring device on the sewer connection. The readings from this meter or measuring device shall be used in computing the sewer rental.
 - (b) Method No. 2: by placing a meter or measuring device on the effluent not discharging into the sewer system. The readings from this meter or measuring device will then be deducted from the total water meter readings, and the remainder will be used in computing the sewer rental.

B. When, in the opinion of the Township, it is not practical to install meters or measuring devices to determine the sewer rental under either Subsection A(2) or (3) of this section, the Township may determine, in such manner and by such method as it may prescribe, the total amount of sanitary sewage discharged into the sewer system, and the quantity so determined to be discharged shall be used to determine the sewer rental. Any dispute as to the estimated quantity shall be submitted to the Supervisors after notice of the estimate to the property owner. The decision of the Supervisors on the matter shall be final for the current year.

C. Measuring devices. All meters or other measuring devices not provided by the water supplier but required to be used under the provisions of this article shall be furnished and installed by the property owner and shall be under the control of the Supervisors and may be tested, inspected or repaired by Township employees whenever the Supervisors deem necessary. The owner of the property upon which such measuring device is installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made

necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Township, shall be due and payable at the same time and collected in the same manner as are the bills for sewer services; such bills from and after their due date shall constitute a lien upon the property upon which such measuring device is installed.

- D. Meter reading. The Township shall have the right to read all meters or measuring devices, and they shall be available to Township employees for meter reading at any reasonable time.

§ 162-25. Payment of charges.

- A. The above connection charge shall be payable upon application for permit to make such connection. Sewer rentals or charges shall be paid quarterly, and quarterly billings for sewer rentals and charges shall be made by bills dated on the first day of January, April, July and October of each year, beginning on such quarterly date immediately following the quarterly calendar period on which connection is made to the sewer system, for the quarterly calendar period or portion thereof immediately preceding the date of the bill.
- B. Payments mailed, as evidenced by the United States Post Office mark, on or previous to the end of the period during which the bills are payable at face will be deemed to be a payment within such period.
- C. All persons connected to the sewer system must give the Township their correct address. Failure to receive bills will not be considered an excuse for nonpayment nor permit an extension of the period during which bills are payable at face.

§ 162-26. Delinquent charges; lien.

- A. Quarterly charges for sewer service shall be subject to a penalty of 10% if not paid within 30 days after the date of the bill, and the Township shall have the right to cut off sewer service from the property where payment has not been made and not to restore the same until all unpaid bills against the property and the costs of cutting off and restoring service shall have been paid.
- B. All sewer rentals, together with all penalties thereon, not paid on or before the end of six months from the date of each bill shall be deemed to be delinquent. All delinquent sewer rentals and all penalties thereon shall be a lien on the property served and shall be entered as a lien against such property in the office of the Prothonotary of Montgomery County and shall be collected in the manner provided by law for the filing and collection of such liens.

§ 162-27. Segregation of funds.

The funds received by the Township from the collection of the connection charges and from sewer rentals and all penalties thereon as herein provided

for and any fines collected by the Township in connection with the sewer system shall be segregated and kept separate and apart from all other funds of the Township and shall be used only for the purpose of defraying the expenses of the Township in the operation, maintenance, repair, alteration, inspection, depreciation or other expenses in relation to such sewer system, including periodic payments due under an agreement with the East Norriton-Plymouth Joint Sewer Authority for the treatment and disposal of sewage and for such payments as the Township may be required to make under any lease it may enter into for and of or in connection with said sewer system with the East Norriton Township Municipal Authority, in accordance with the provisions of the Act of May 2, 1945, P.L. 382, as amended.⁹

§ 162-28. Amendments.

The Township reserves the right to and may from time to time adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of the sewer system, and all such rules and regulations shall be and become a part of this article. In respect to sewage treatment service, the Township hereby adopts the current rules and regulations of the East Norriton-Plymouth Joint Sewer Authority, copies of which rules and regulations are on file and may be examined at the Township Building, 2828 Swede Road, Norristown, Pennsylvania.

§ 162-29. On-site sewer fees. [Added 11-7-1983 by Res. No. 1017]

- A. On-site sanitary sewer permit fees are as follows:
- (1) Standard on-site system: \$100 per permit issued.
 - (2) Alternate on-site system: \$175 per permit issued.
 - (3) Holding tank system: initially, reimbursement of cost of Sewage Enforcement Officer (SEO) processing time to date of issuance of permit, per permit issued.
- B. Additional holding tank system fee. In addition to the above initial permit fee for a holding tank system, the applicant will be required to reimburse the Township for the cost of SEO review and inspection during the installation of the system before hookup of user(s) is permitted.
- C. Application fee. At the time of application for any of the systems described in Subsection A above, a nonrefundable fee of \$30 will be paid by the applicant to the SEO. If a permit is issued, this fee of \$30 will be applied toward the appropriate fee set in Subsection A above. However, if the issuance of a permit is not approved, the application fee of \$30 will not be refunded to the applicant. In the event that a reapplication is made by an applicant for a different type of on-site

9. Editor's Note: See now 53 Pa.C.S.A. §5601 et seq.

sanitary sewer system after a prior disapproval of another system, a new application fee must be paid.

ARTICLE III
Sewer Connection Regulations
[Adopted 1-9-1961 by Ord. No. 35]

§ 162-30. Compliance.

No person required to connect to the East Norriton Township sewer system shall make or provide for such connection except in compliance with the terms of this article.

§ 162-30.1. Inspection of sewer laterals. [Added 2-20-2007 by Ord. No. 490]

The Township may, upon five days' notice, inspect and/or televise the sewer lateral on any property within the Township to determine the condition of the sewer lateral. Any such inspection and/or televising shall take place only between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday, and the owner of the property shall make all areas to be inspected and/or televised available to the Township upon request. If, in its sole discretion, the Township determines that the sewer lateral is in an unacceptable condition, the sewer lateral shall be repaired or replaced by the owner of the property, at the owner's expense, within 90 days of the date that the Township notifies the property owner that the sewer lateral is in an unacceptable condition. The Township shall confirm by inspection that the sewer lateral has been satisfactorily repaired or replaced. If the owner of the property fails to repair or replace the sewer lateral, as appropriate, within 90 days, the Township shall be permitted to make such repair or replacement and assess the property owner the cost thereof.

§ 162-31. Services of registered plumber required.

- A. All persons required to connect to the East Norriton Township sewer system shall obtain the services of a registered plumber as set forth under Ordinance No. 29 of said Township or its amendments.¹⁰
- B. All registered plumbers qualifying under Ordinance No. 29 aforesaid shall make sewer connection installations in strict compliance with the terms of this article as follows:
 - (1) Permits; inspections; fees. Registered plumbers shall obtain a permit from said Township for each property required to connect to the sewer system, and a permit fee and inspection fees shall accompany each application therefor. The amount of the permit fee and inspection fees shall be determined and fixed by resolution of the Township Supervisors as from time to time may be reasonable and necessary.
 - (2) Plans and specifications. Plans and specifications prepared by a registered engineer may be required in duplicate with the

10. Editor's Note: Said Ord. No. 29 was repealed 4-20-1981 by Ord. No. 172.

application for a permit for sewer construction on commercial and industrial properties or when required for special conditions by either the Township or the East Norriton Township Municipal Authority.

- (3) Inspection and approval. The plumber shall notify the inspector appointed by the Township prior to the starting of any work and prior to backfilling. The plumber shall have approval of the installations by the inspector before putting the sewer in use.
- (4) Materials and installation. **[Amended 7-11-1972 by Ord. No. 83; 12-15-1997 by Ord. No. 380; 7-14-1998 by Ord. No. 393¹¹]**
 - (a) Installation, maintenance and repair of sanitary sewer mains, manholes and laterals from the main to the edge of the right-of-way, property line or four feet inside the curb, whichever is greater, shall be constructed in compliance with the document known as the "Standard Specifications for Construction of Sanitary Sewer Systems for East Norriton Township." **[Amended 11-18-2014 by Ord. No. 558]**
 - (b) Installation, maintenance and repair of sanitary sewer laterals on private property which are not required to comply with subsection B(4)(a) above shall comply with the Pennsylvania Uniform Construction Code. An additional cleanout with a tight-fitting plug shall be installed at the connection of the private sewer lateral to the sewer system, but shall be located outside of the ultimate legal right-of-way and shall not be in a walkway or driveway. Exceptions to location requirements for repairs to existing installations may be made at the discretion of the Township. **[Amended 11-18-2014 by Ord. No. 558]**
 - (c) Manholes shall be provided at the connection of any private building sewer of eight inches or larger nominal size to the public sewer. Manhole construction shall comply with Subsection B(4)(a) above.

§ 162-32. Violations and penalties. [Amended 12-19-1988 by Ord. No. 274]

Any person, corporation or other entity who shall violate any of the provisions of this article or who should fail to comply with any notice of violation herein, upon conviction before a District Justice within the magisterial district within which the Township of East Norriton is a part, shall be fined not more than \$600 plus costs of prosecution after a summary proceeding brought in the name of the Township before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists. In default of the payment of any fine imposed and

11. Editor's Note: This ordinance also superseded former Subsection B(5), Installation, which immediately followed this subsection.

the costs, the person or persons that are charged may be sentenced to be committed to the county jail for a period not exceeding 30 days.

§ 162-33. Sewer inspection fees. [Added 8-5-1963 by resolution]

The sewer inspection charges are herewith fixed as follows:

- A. New single-family homes or additions thereto:
 - (1) Initial inspection charge: \$10.
 - (2) Inspection charge per trap: \$3.
 - (3) Inspection charge per disposal unit: \$5.
 - (4) Sewer pump charge per unit: \$5.
- B. All structures other than single-family dwellings as set forth above, including but not limited to commercial, industrial or apartment structures, are fixed as follows:
 - (1) Initial inspection fee: \$10.
 - (2) Initial inspection fee if structure contains more than one unit, per unit, including five traps: \$10.
 - (3) Sewer pump charge per unit: \$5.
 - (4) Inspection charge per disposal unit: \$5.
- C. In addition to the above charges, the Township retains the right to change such additional inspection charges, or reinspection charges in accordance with the above schedule, on any and all structures when the same becomes appropriate or necessary to ensure adequate and proper installation pursuant to East Norriton sewer installation requirements as made and provided.

ARTICLE IV

Holding Tanks**[Adopted 5-4-1976 by Ord. No. 124]****§ 162-34. Intent. [Amended 2-8-1977 by Ord. No. 132]**

The intent of this article is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage from certain residential, commercial or industrial uses, and it is hereby declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township during the time that a connection ban imposed by the Environmental Protection Agency is in effect.

§ 162-35. Definitions.

A. When not inconsistent with the context, words used in the singular include the plural, words in the plural include the singular, and words used in the present tense include the future. The word "shall" is always mandatory.

B. As used in this article, the following terms shall have the meanings indicated:

BOARD — The Board of Supervisors of East Norriton Township, Montgomery County, Pennsylvania, or its authorized representative.

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 tank" includes but is 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.

IMPROVED PROPERTY — Any property within the Township upon which there is erected a residential, commercial or industrial structure intended for continuous or periodic occupancy or use by human beings or animals and from which structure sewage shall or may be discharged. **[Amended 2-8-1977 by Ord. No. 132; 11-18-2014 by Ord. No. 558]**

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON or PERSONS — Any person or persons, male or female, corporation, partnership, association, company, individual, owner, occupant, lessee, tenant or any organization.

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.

TOWNSHIP — The Township of East Norriton, Montgomery County, Pennsylvania.

§ 162-36. Authorization of Board to control.

- A. Rights and privileges granted. The Board is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof.
- B. Rules and regulations. The Board is hereby authorized and empowered to adopt by resolution such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

§ 162-37. Conformity.

All such rules and regulations adopted by the Board shall be in conformity with the provisions herein, all other ordinances of the Township, all applicable laws and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania, particularly the Department of Environmental Resources, and, in particular, the regulations set forth in Chapter 71, Sections 71.51 and 71.52, and Chapter 73, Sections 73.81 and 73.82.¹²

§ 162-38. Maintenance required. [Amended 11-18-2014 by Ord. No. 558]

All applications for holding tank systems shall include a contract for maintenance by a disposal agency approved by the Board. Such contract shall include but not be limited to the name of the contractor, method of maintenance, method of disposal, frequency of inspection and ultimate place of disposal of all waste. Such contract shall be required to remain in force for the entire period of operation of the system. Failure by the owner to renew such contract or submit proof of another approved contract shall constitute a violation of this article. The system must be inspected by the approved disposal agency a minimum of three times per year. Further, prior to the issuance of any building permits for any residential dwelling that will utilize a holding tank, financial security in a form acceptable to the Township must be posted with the Township in an amount equal to three

12. Editor's Note: See 71 P.S. § 510-1 et seq.

years' contract price for sewage removal and for the cost of removal of the holding tank as estimated by the Township Engineer, which shall run for the entire period that the holding tank is to be in use. This guarantee shall be conditioned upon the landowner or, in the case of a development, the developer maintaining the holding tank system in accordance with the rules and regulations of this article.

§ 162-39. Authorization to set fees and charges.

The Board shall, by resolution, have the power to fix, alter, charge and collect such fees or costs as may be necessary to properly enforce this article.

§ 162-40. Use and occupancy permits.

By obtaining permission to use a holding tank under this article, the owner of the subject property shall agree that any failure to make timely removal of the contents of the holding tank or any other violation of this article or sanitary requirements will subject the owner to an automatic revocation of the use and occupancy permits issued for the subject properties.¹³

**§ 162-41. Collection, transportation and disposal of sewage.
[Amended 11-18-2014 by Ord. No. 558]**

The collection and transportation of all sewage from any improved property using a holding tank shall be done solely by or under the direction of the Board, and the disposal thereof shall be made only at such site or sites as may be approved by the Pennsylvania Department of Environmental Protection.

§ 162-42. Duties of owner of improved property.

The owner of an improved property that utilizes a holding tank, or a developer in the case of a development, shall:

- A. Maintain the holding tank in conformance with this article or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Board and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only an approved agency acting in accordance with the regulations of the Board to collect, transport and dispose of the contents therein.
- C. Install prior to the approval of any holding tank an approved public sewage system serving the lot to be connected to the holding tank to ensure future connection with the public sewer system.
- D. Connect within 30 days after notice from the Township to the public sewer system. **[Amended 11-18-2014 by Ord. No. 558]**

13. Editor's Note: See Ch. 190, Use and occupancy permits.

- E. Remove the holding tank system within 30 days after connection to the public sewer system.
- F. Within 24 hours of the execution of an agreement of sale for the sale of any lot to be connected to a holding tank, submit to the Township an executed statement in form to be designed by the Township Zoning Officer in which the purchaser acknowledges that the purchaser has been advised of the terms of this article and understands the procedures, penalties and fines for noncompliance with this article.

§ 162-43. Violations and penalties. [Amended 12-19-1988 by Ord. No. 274]

Any person, corporation or other entity who shall violate any of the provisions of this article or who should fail to comply with any notice of violation herein, upon conviction before a District Justice within the magisterial district within which the Township of East Norriton is a part, shall be fined not more than \$600 plus costs of prosecution after a summary proceeding brought in the name of the Township before said District Justice. A new and separate offense shall be deemed to be committed for each day that such violation exists. In default of the payment of any fine imposed and the costs, the person or persons that are charged may be sentenced to be committed to the county jail for a period not exceeding 30 days.

§ 162-44. Abatement of nuisance.

In addition to any other remedies provided in this article, any violation of this article may be deemed to constitute a nuisance and may be abated by the Board by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

§ 162-45. Amendment of Official Plan.

The appropriate officials of the Township are directed to take such action as may be necessary to amend the Official Plan of East Norriton Township to implement the purposes of this article.

§ 162-45.1. Standards; fee. [Added 4-16-1990 by Ord. No. 286]

- A. Capacity.
 - (1) The minimum capacity of a holding tank shall be 1,000 gallons or a volume equal to the quantity of wastes generated in three days, whichever is larger.
 - (2) In calculating sewage flow for a single-family dwelling unit, a minimum daily flow of 230 gallons per day shall be used to determine holding tank capacity. This figure shall be increased by 100 gallons for each additional bedroom over three. The daily flow indicated provides for use of garbage grinders, automatic

washing machines or dishwashers and water softeners. **[Amended 11-18-2014 by Ord. No. 558]**

- (3) Holding tanks may be connected in series to attain required capacity.
- (4) Tanks connected together in series cannot exceed four in number and must comply with Subsection B(4) of this section.
- (5) Industrial/commercial applications will follow daily flow calculations outlined in Chapter 73, § 73.17, of Title 25 of the Pennsylvania Code, entitled "Sewage Flows," or such other regulations as the Pennsylvania Department of Environmental Protection may enact from time to time. **[Amended 11-18-2014 by Ord. No. 558]**

B. Construction.

- (1) Holding tanks shall be watertight and constructed of sound and durable material not subject to excessive corrosion or decay.
 - (a) Precast concrete tanks shall have a minimum wall thickness of three inches, a minimum lid thickness of four inches, a minimum concrete strength of 3,500 pounds per square inch at 28 days and shall be adequately reinforced. The wall and lid thickness shall be evaluated on a case-by-case basis and shall be a function of the capacity required for the individual use.
 - (b) Holding tanks having a liquid capacity of 5,000 gallons or less shall be precast concrete construction. Holding tanks above 5,000 gallons shall be evaluated on a case-by-case basis.
- (2) Holding tanks shall be placed on an approved base listed below:
 - (a) If soil is found to be devoid of moisture, a bed of crushed stone (a minimum of 12 inches in thickness) may be used.
 - (b) If the area of placement of holding tanks shows indication of moisture, a concrete base pad will be required to prevent flotation of the holding tank. In the instance where high moisture content (groundwater) is evident, the Sewage Enforcement Officer or Engineer of East Norriton Township may direct additional requirements at his or her discretion.
- (3) Holding tanks shall have access as specified below:
 - (a) Access to each tank shall be provided by a manhole of at least 21 inches square or in diameter, with a removable cover. The top of the tank containing the manhole or the top of a manhole extension shall not be more than 12 inches below grade level. If access is extended to grade, the access cover shall be sealed with a synthetic resin sealant or equivalent. Grade level or above grade level access covers shall be secured

by bolts or locking mechanisms or have sufficient weight to prevent access by children.

- (b) The ground shall slope away from any access extended to grade or above.
- (4) Installation of sanitary sewer lines from the building to the tank shall conform to all Township plumbing regulations in effect at the time of installation. If more than one tank is used at a location to obtain desired capacity, equalization lines must be placed at the upper and lower sections of the tanks where they join together.
- (5) Each holding tank is required to have one vent. This vent shall be constructed to a maximum diameter of four inches PVC plastic pipe with the top of pipe extended a minimum of 12 inches above grade. The top of this pipe shall be capped with a U vent which shall be opened toward the ground surface.
- (6) An alarm system is required for each holding tank installation.
 - (a) The alarm system shall consist of a warning device to indicate when the tank is filled within 75% of its capacity.
 - (b) The warning device shall create an audible and visual signal at a location frequented by the homeowner or responsible individual.

C. Protection.

- (1) The area where holding tanks are to be located shall be protected in a manner that vehicles cannot drive over the tanks from the access area. If this situation can not be avoided, then the holding tanks must be designed to withstand Pennsylvania Department of Transportation H-20 Loading, or latest revisions. This shall be reviewed on a case-by-case basis by the Township Engineer.
- (2) All horizontal isolation distances, as outlined in Chapter 73, § 73.13, of Title 25 of the Pennsylvania Code, concerning treatment tanks, or in such other regulations as may be enacted by the Pennsylvania Department of Environmental Protection from time to time, shall be maintained with respect to holding tanks. **[Amended 11-18-2014 by Ord. No. 558]**

D. State regulations.

- (1) The installation of holding tanks is regulated by the Pennsylvania Department of Environmental Protection, which has established a permitting procedure. This procedure requires submission of a planning module postcard, a complete application, on-site examination/testing and permitting of installation and a hauling agreement with the hauler. The owner shall comply with the permitting procedure of the Pennsylvania Department of

Environmental Protection. **[Amended 11-18-2014 by Ord. No. 558]**

- (2) When any holding tank is no longer in active use it shall be removed, collapsed or filled with a suitable material, approved by the Sewage Enforcement Officer or Engineer of East Norriton Township.
- E. Fees. A fee will be charged for each holding tank installed in the Township. This fee shall be set from time to time by resolution of the Board of Supervisors and will cover planning module submission, application fee, site examination/testing and the permitting procedure.

ARTICLE V
Wastewater Collection System
[Adopted 10-26-2010 by Ord. No. 530¹⁴]

§ 162-46. Purpose; objectives.

- A. This article sets uniform requirements for direct and indirect contributors from East Norriton Township ("Township") into the wastewater collection system of the East Norriton-Plymouth-Whitpain Joint Sewer Authority ("Joint Sewer Authority") and enables the Joint Sewer Authority to comply with all applicable state and federal laws required by the Clean Water Act of 1977 (33 U.S.C. § 1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403, as amended).
- B. The objectives of this article are:
- (1) To prevent the introduction of pollutants into the Joint Sewer Authority's wastewater collection system ("POTW") which will interfere with the operation of the system or contaminate the resulting sludge at the POTW servicing the Township.
 - (2) To prevent the introduction of pollutants into the POTW which will pass-through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - (3) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - (4) To provide for equitable distribution of the cost of operating the wastewater collection system.
 - (5) To protect the general public and treatment works personnel who may be affected by wastewater and sludge in the course of their employment.
 - (6) To enable the Joint Sewer Authority to comply with its National Pollution Discharge Elimination System ("NPDES") permit conditions, sludge use and disposal requirements, and any other federal or state laws to which the POTW is subject; and to empower the POTW to enforce penalties against violators as required by its Enforcement Response Guide and by federal and state law.
- C. This article provides for the regulations of direct and indirect contributors to the POTW through the issuance of permits to certain nondomestic users, and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; requires user reporting; assumes that existing customer's capacity will not be preempted; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

14. Editor's Note: This ordinance also superseded former Art. V, Wastewater Collection System, adopted 7-22-2008 by Ord. No. 508.

§ 162-47. Applicability; administrative officer.

This article shall apply to the persons in the Township and to persons outside the Township who are users or significant users of the Township's collection systems and the POTW. Except as otherwise provided herein, the Joint Sewer Authority, with notification to the Township, shall administer, implement, and enforce the provisions of this article.

§ 162-48. Definitions; abbreviations.

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

ACT or THE ACT — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended, 33 U.S.C. § 1251 et seq.

APPROVAL AUTHORITY — The Regional Administrator of EPA, Region III.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR SIGNIFICANT INDUSTRIAL USER —

- (1) If the user is a corporation:
 - (a) 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
 - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the user is a federal, state, or local facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

- (4) The individuals described in Subsection A(1) through (3), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Joint Sewer Authority.

BEST MANAGEMENT PRACTICES (BMPS) — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in § 162-49A and B. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical pretreatment standards and effluent limits.

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of weight and concentration (milligrams per liter (mg/L)).

BUILDING SEWER — A sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS or CATEGORICAL PRETREATMENT STANDARDS — Any regulation, heretofore or hereafter adopted by the United States Environmental Protection Agency, containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) that apply to a specific category of users and that appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

CONVENTIONAL POLLUTANT — A water pollutant that is amenable to treatment by a municipal wastewater treatment plant. These pollutants consist of, but are not limited to, biochemical oxygen demand (BOD), total suspended solids (TSS), oil and grease, pH, ammonia and phosphorous.

COOLING WATER — The water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

DAILY MAXIMUM — The arithmetic average of all effluent samples for a pollutant collected during a calendar day or twenty-four-hour period.

DAILY MAXIMUM LIMIT — The maximum allowable discharge limit of a pollutant during a calendar day or twenty-four-hour period. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

DIRECT DISCHARGE — The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The United States Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

EXISTING SOURCE — Any source of discharge that is not a new source.

GRAB SAMPLE — A grab sample is an individual sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream. These samples must be collected over a period of time not exceeding 15 minutes. A grab sample shows the waste stream characteristics at the time the sample is taken.

INDIRECT DISCHARGE or DISCHARGE — The discharge or the introduction of pollutants into the collection system from any nondomestic source.

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER — An industrial, commercial or institutional source of indirect discharge.

INDUSTRIAL WASTE — Shall have the meaning ascribed to it in the Act of June 22, 1937 (P.L. 1987, No. 394) known as the "Clean Stream Law"¹⁵ and the regulations adopted thereunder.

INSTANTANEOUS LIMIT — The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

INTERFERENCE — A discharge that, alone 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 POTW's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent state or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II, commonly referred to as the "Resource Conservation and Recovery Act" (RCRA)¹⁶; any state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act;¹⁷ the Toxic Substances Control Act,¹⁸ and the Marine Protection, Research, and Sanctuaries Act.¹⁹

15. Editor's Note: See 35 P.S. § 691.1 et seq.

16. Editor's Note: See 42 U.S.C. § 6901 et seq.

17. Editor's Note: See 42 U.S.C. § 7401 et seq.

18. Editor's Note: See 15 U.S.C. § 2601 et seq.

19. Editor's Note: See 40 CFR § 403.03(i).

LOCAL LIMIT — Specific discharge limits developed and enforced by the Joint Sewer Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) or § 162-49A and B of this article.

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.

MONTHLY AVERAGE — The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

MONTHLY AVERAGE LIMIT — The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES PERMIT — A permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

NATIONAL PROHIBITED DISCHARGE STANDARDS — Any regulation developed under the authority of 307(b) of the Act and contained in 40 CFR Section 403.5(a) and (b).

NEW SOURCE —

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
 - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
 - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 - (c) The production or wastewater-generating process 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.
- (2) 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 A(1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

- (3) Construction of new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous on-site construction program:
 - [1] Any placement, assembly, or installation of facilities or equipment; or
 - [2] Significant site preparation work, including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) 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 definition.

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.

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 POTW's NPDES permit, including an increase in the magnitude or duration of violation.

PERSON — Any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

pH — A measure of the acidity or alkalinity of a solution, expressed in standard units.

POLLUTANT — Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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.

PRETREATMENT REQUIREMENTS — Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

PRETREATMENT STANDARDS or STANDARDS — Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — Absolute prohibitions against the discharge of certain substances; these prohibitions appear in § 162-49 of this article.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292) which is owned by the Joint Sewer Authority. 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 the treatment plant.

SEPTIC TANK WASTE — Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

SEWAGE — Human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER —

- (1) Except as provided in Subsection A(2) and (3) of this definition:
 - (a) All industrial users subject to categorical pretreatment standards; or
 - (b) Any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontract cooling and boiler blow-down wastewater); contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the Joint Sewer Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement [in accordance with 40 CFR 403.8(f)(6)].
- (2) The Joint Sewer Authority may determine that an industrial user subject to categorical pretreatment standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N is a nonsignificant categorical

industrial user rather than a significant industrial user on a finding that the industrial user never discharged more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blow-down wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:

- (a) The industrial user, prior to the Joint Sewer Authority's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
 - (b) The industrial user annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and
 - (c) The industrial user never discharges any untreated concentrated wastewater.
- (3) Upon a finding that an industrial user meeting the criteria in Subsection A(1)(b) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standards or requirement, the Joint Sewer Authority may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

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

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 162-48;
- (2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by § 162-48, multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment standard or requirement as defined by § 162-48 (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Joint Sewer Authority determines has caused, alone or in combination with

other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;

- (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Joint Sewer Authority's exercise of its emergency authority under this article to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in this article, a wastewater discharge permit or in an enforcement order.
- (6) Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance;
- (8) Any other violation or group of violations that may include a violation of BMPs, which the Joint Sewer Authority determines will adversely affect the operation or implementation of the local pretreatment program.

SLUG LOAD or SLUG DISCHARGE — Any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 162-49 of this article. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the Joint Sewer Authority's and/or POTW's regulations, local limits or permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) — A classification pursuant to the standard industrial Classification Manual issued by the United States Office of Management and Budget.

STATE — Commonwealth of Pennsylvania.

STORMWATER — Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT — The person designated by the POTW to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this article, or a duly authorized representative.

TOTAL SUSPENDED SOLIDS or SUSPENDED SOLIDS — The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering.

TOXIC POLLUTANT — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of CWA 307(a) or other acts.

USER OR INDUSTRIAL USER — A source of indirect discharge.

WASTEWATER — Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

B. Abbreviations. The following abbreviations shall have the designated meanings:

BMP	Best management practice
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901 et seq.
USC	United States Code
TSS	Total suspended solids

§ 162-49. Prohibited discharge standards.

- A. General prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutants or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state or local pretreatment standards or requirements.
- B. Specific prohibitions. No person shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup

flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR 261.21;

- (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil), mud, glass grinding, or polishing wastes;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than 120° F. (49° C.), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass-through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with § 162-50D of this article;
- (9) Noxious or malodorous liquids (including automobile antifreeze), 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;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the POTW's NPDES permit;

- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations and the requirements of the Joint Sewer Authority;
 - (12) 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 Joint Sewer Authority;
 - (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
 - (14) Medical wastes, except as specifically authorized by the POTW in a wastewater discharge permit;
 - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test or causing noncompliance with sludge disposal requirements;
 - (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
 - (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 100 mg/l;
 - (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10%;
 - (19) Any toxic or hazardous waste that if otherwise disposed of would be considered hazardous or toxic waste as defined in the Act or in RCRA.
- C. Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

§ 162-49.1. Categorical pretreatment standards.

The categorical pretreatment standards now found or hereafter found at 40 CFR Chapter 1, Subchapter N Parts 405-471, are hereby incorporated in this article by reference as though set forth in full and shall apply to users, including categorical industrial users, pursuant to the definitions set forth in this article and as set forth in the Ordinance.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Joint Sewer Authority may impose equivalent concentration or mass limits in accordance with § 162-49.1E and F.
- B. When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the

Superintendent may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.

- C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Joint Sewer Authority shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- D. A user may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the following subsections of this section:
 - (1) Categorical pretreatment standards may be adjusted to reflect the presence of pollutants in the industrial user's intake water in accordance with this section. Any industrial user wishing to obtain credit for intake pollutants must make application to the Joint Sewer Authority. Upon request of the industrial user, the applicable standard will be calculated on a "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of Subsection D(2) of this section are met.
 - (2) Criteria.
 - (a) Either the applicable categorical pretreatment standards contained in 40 CFR Subchapter N specifically provide that they shall be applied on a net basis; or the industrial user demonstrates that the control system it proposes or uses to meet applicable categorical pretreatment standards would, if properly installed and operated, meet the standards in the absence of pollutants in the intake waters.
 - (b) Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the industrial user demonstrates that the constituents of the general measure in the user's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.
 - (c) Credit shall be granted only to the extent necessary to meet the applicable categorical pretreatment standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with standard(s) adjusted under this section.
 - (d) Credit shall be granted only if the user demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The Joint Sewer Authority

may waive this requirement if it finds that no environmental degradation will result.

E. When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the Joint Sewer Authority convert the limits to equivalent mass limits with the exception of categorical concentration-based limits for pollutants such as pH, temperature, radiation, or any other pollutants for which mass limits are not appropriate. The determination to convert concentration limits to mass limits is within the discretion of the Joint Sewer Authority. The Joint Sewer Authority may establish equivalent mass limits only if the industrial user meets all the conditions set forth in § 162-49.1 E(1)(a) through (e) below.

- (1) To be eligible for equivalent mass limits, the industrial user must:
 - (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;
 - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical pretreatment standard, and not have used dilution as a substitute for treatment;
 - (c) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge; and
 - (e) Have consistently complied with all applicable categorical pretreatment standards during the period prior to the industrial user's request for equivalent mass limits.
- (2) An industrial user subject to equivalent mass limits must:
 - (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
 - (b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - (c) Continue to record the facility's production rates and notify the Joint Sewer Authority whenever production rates are expected to vary by more than 20% from its baseline production rates

determined in Subsection E(1)(c) of this section. Upon notification of a revised production rate, the Joint Sewer Authority will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

- (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection E(1)(c) of this section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Joint Sewer Authority:
- (a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable categorical pretreatment standard and the appropriate unit conversion factor;
 - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (c) May retain the same equivalent mass limit in subsequent wastewater discharger permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 162-49.5. The industrial user must also be in compliance with § 162-59C regarding the prohibition of bypass.
- F. The Joint Sewer Authority may convert the mass limits of the categorical pretreatment standards of 40 CFR Parts 414, 419, and 455 to concentration limits of the categorical pretreatment standards for purposes of calculating limitations applicable to individual industrial users. The conversion is at the discretion of the Joint Sewer Authority. The Authority shall not convert such limits to concentration limits unless it first documents that dilution is not being substituted for treatment as prohibited by § 162-49.5.
- G. Once included in its permit, the industrial user must comply with the equivalent limitations developed in accordance with § 162-49.1 in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
- H. Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average,

limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation.

- I. Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the Joint Sewer Authority within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the Joint Sewer Authority of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.
- J. A user may obtain a variance from a categorical pretreatment standard from EPA if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

§ 162-49.2. State pretreatment standards.

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

§ 162-49.3. Local limits.

- A. The Joint Sewer Authority is authorized to establish local limits pursuant to 40 CFR 403.5(c). The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following daily maximum limit:

Toxic Pollutants mg/L	
Arsenic	1.165
Cadmium	0.107
Chromium (total)	0.260
Copper	5.558
Cyanide	2.328
Lead	0.969
Mercury	0.008
Molybdenum	0.418
Nickel	2.046
Selenium	11.699
Silver	7.098
Zinc	2.800

- B. The above limits apply at the point where the wastewater is discharged to the POTW, which for purposes of this article includes all points within and throughout the distribution system. All concentrations for metallic substances are for total metal unless indicated otherwise. The Joint Sewer Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above.
- C. The Joint Sewer Authority reserves the right to establish alternate local limits in industrial user discharge permits, but only in accordance with regulatory requirements. At no time will the summation of the loadings allocated to the industrial users through the discharge permits be greater than the allowable industrial headworks loading as determined in the most recent local limits evaluation approved by the approval authority.
- D. The Joint Sewer Authority may develop Best Management Practices (BMPs), by ordinance, resolution or in wastewater discharge permits to implement local limits and the requirements of § 162.49. If a BMP is used in place of an approved local limit or prohibition (rather than in addition to an approved limit or prohibition), the BMP would need to be approved by EPA prior to implementation. Authorizing use of a BMP for compliance with one or more of the prohibitions included in 40 CFR 403.5 does not relieve the user of the responsibility of complying with the prohibition(s).

§ 162-49.4. Township's right of revision.

The Township reserves the right to establish, by ordinance, more stringent standards or requirements on discharges to the POTW.

§ 162-49.5. 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 Joint Sewer Authority 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.

§ 162-49.6. Accidental discharges.

Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Joint Sewer Authority for review, and shall be approved by the Joint Sewer Authority before construction of the facility. No user shall be permitted to introduce pollutants into the system until accidental

discharge procedures have been approved by the Joint Sewer Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this article. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the Joint Sewer Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

§ 162-49.7. Written notice.

Within 24 hours following an accidental discharge, the user shall notify the Joint Sewer Authority, and within five days following an accidental discharge, the user shall submit to the Joint Sewer Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

§ 162-49.8. Notice to employees.

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

§ 162-50. Pretreatment of wastewater.

- A. Pretreatment facilities. Users shall provide wastewater treatment as necessary to comply with this article and shall comply with all categorical pretreatment standards, local limits, and the prohibitions set out in § 162-49 of this article within the time limitations specified by EPA, the state, or the Joint Sewer Authority, 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 Joint Sewer Authority for review, and shall be acceptable to the Joint Sewer Authority 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 Joint Sewer Authority under the provisions of this article.
- B. Additional pretreatment measures.
 - (1) Whenever deemed necessary, the Joint Sewer Authority 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this article.

- (2) The Joint Sewer Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
 - (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Joint Sewer Authority, 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 unless a residential user who is contributing excessive amounts of grease, oil, or sand has first been given the opportunity to reduce the discharge by other means. All interception units shall be of type and capacity approved by the Joint Sewer Authority 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 its expense, in accordance with any procedure for the installation and maintenance of grease traps as may be established from time to time by the Joint Sewer Authority.
 - (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.
- C. Accidental discharge/slug control plans. At least once every two years, the Joint Sewer Authority shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The Joint Sewer Authority may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Joint Sewer Authority may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:
- (1) Description of discharge practices, including nonroutine batch discharges;
 - (2) Description of stored chemicals;
 - (3) Procedures for immediately notifying the Joint Sewer Authority of any accidental or slug discharge, as required by § 162-53F of this article; and
 - (4) 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 (i.e., a spill prevention plan), worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

D. Hauled wastewater.

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the Joint Sewer Authority and at such times as are established by the Joint Sewer Authority. Such waste shall not violate § 162-49 of this article or any other requirements established by the Joint Sewer Authority. The Joint Sewer Authority may require septic tank waste haulers to obtain wastewater discharge permits.
- (2) The Joint Sewer Authority shall require haulers of industrial waste to obtain wastewater discharge permits. The Joint Sewer Authority may require generators of hauled industrial waste to obtain wastewater discharge permits. The Joint Sewer Authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this article.
- (3) Industrial waste haulers may discharge loads only at locations designated by the Joint Sewer Authority. No load may be discharged without prior consent of the Joint Sewer Authority. The Joint Sewer Authority may collect samples of each hauled load to ensure compliance with applicable standards. The Joint Sewer Authority 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.

§ 162-51. Wastewater discharge permit application.

- A. Wastewater analysis. When requested by the Joint Sewer Authority, a user must submit information on the nature and characteristics of its wastewater within five days of the request. The Joint Sewer Authority 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 POTW without first obtaining a wastewater discharge permit from

the Joint Sewer Authority, except that a significant industrial user that has filed a timely application pursuant to § 162-51C of this article may continue to discharge for the time period specified therein.

- (2) The Joint Sewer Authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
 - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out elsewhere in this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state, and local law.
- C. Wastewater discharge permitting: existing connections. Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this article and who wishes to continue such discharges in the future shall, within 60 days after said date, apply to the Joint Sewer Authority for an individual wastewater discharge permit in accordance with § 162-51D of this article and shall not cause or allow discharges to the POTW to continue after 100 days of the effective date of this article except in accordance with a wastewater discharge permit issued by the Joint Sewer Authority.
- 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 § 162-51C of this article, must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.
- E. Wastewater discharge permit application contents.
- (1) All users required to obtain a wastewater discharge permit must submit a permit application. The Joint Sewer Authority may require users to submit all or some of the following information as part of a permit application:
 - (a) Identifying Information.
 - [1] The name and address of the facility, including the name of the operator and owner.
 - [2] Contact information, description of activities, facilities, and plant production processes on the premises;

- (b) Environmental permits. A list of any environmental control permits held by or for the facility.
- (c) Description of operations.
 - [1] A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such user. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
 - [2] Types of wastes generated, and 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] Type and amount of raw materials processed (average and maximum per day);
 - [5] 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;
- (d) Time and duration of discharges;
- (e) The location for monitoring all wastes covered by the permit;
- (f) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in § 162-50C of this article [50 CFR 403.6(e)].
- (g) Measurement of pollutants.
 - [1] The categorical pretreatment standards applicable to each regulated process and any new categorically regulated processes for existing sources.
 - [2] The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Joint Sewer Authority, of regulated pollutants in the discharge from each regulated process.
 - [3] Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported.

[4] The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 162-53J of this article. Where the standard requires compliance with a BMP or pollution prevention alternative, the user shall submit documentation as required by the Joint Sewer Authority or the applicable standards to determine compliance with the standard.

[5] Sampling must be performed in accordance with procedures set out in § 162-53K of this article.

(h) Any other information as may be deemed necessary by the Joint Sewer Authority to evaluate the permit application.

(2) Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

F. Application signatories and certification.

(1) All wastewater discharge permit applications. User reports and certification statements must be signed by an authorized representative of the user and contain the certification statement in § 162-53N.

(2) If the designation of an authorized representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this section must be submitted to the Joint Sewer Authority prior to or together with any reports to be signed by an authorized representative.

(3) A facility determined to be a nonsignificant categorical industrial user by the Joint Sewer Authority must annually submit the signed certification statement in § 162-53N.

G. Wastewater discharge permit decisions. The Joint Sewer Authority will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Joint Sewer Authority will determine whether or not to issue a wastewater discharge permit. The Joint Sewer Authority may deny any application for a wastewater discharge permit.

§ 162-52. 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 years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the discretion of the Joint Sewer Authority. 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 Joint Sewer Authority to prevent pass-through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Wastewater discharge permits must contain:

- (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Joint Sewer Authority in accordance with § 162-52E of this article, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (c) Effluent limits, including BMPs, 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, state, and local law;
- (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, state, or local law.
- (f) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable federal, state, or local law.
- (g) Requirements to control slug discharge, if determined by the Joint Sewer Authority to be necessary.

(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 treatment works;

- (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 POTW;
- (e) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (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 state pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and
- (h) Other conditions as deemed appropriate by the Joint Sewer Authority to ensure compliance with this article and state and federal laws, rules, and regulations.

C. Wastewater discharge permit process.

- (1) Public notification. The Joint Sewer Authority will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, a notice to issue a pretreatment permit, at least 30 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- (2) The Joint Sewer Authority shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Joint Sewer Authority to reconsider the terms of a wastewater discharge permit within 30 days of its issuance.
 - (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
 - (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
 - (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
 - (d) If the Joint Sewer Authority fails to act within 30 days, a request for reconsideration shall be deemed to be denied.

Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- (3) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County, Pennsylvania, within the period proscribed by Pennsylvania's local Agency Law, 2 Pa.C.S.A. § 105 et. seq.
- D. Wastewater discharge permit modification. The Joint Sewer Authority 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, state, 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 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 POTW, Joint Sewer Authority's 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.
- E. Wastewater discharge permit transfer.
- (1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days' advance notice to the Joint Sewer Authority and the Joint Sewer Authority approves the wastewater discharge permit transfer. The notice to the Joint Sewer Authority must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
 - (b) Identifies the specific date on which the transfer is to occur; and
 - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- (2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.
- F. Wastewater discharge permit revocation.
- (1) The Joint Sewer Authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
- (a) Failure to notify the Joint Sewer Authority of significant changes to the wastewater discharge prior to the changed discharge;
 - (b) Failure to provide prior notification to the Joint Sewer Authority of changed conditions pursuant to § 162-53E of this article;
 - (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - (d) Falsifying self-monitoring reports;
 - (e) Tampering with monitoring equipment;
 - (f) Refusing to allow the Joint Sewer Authority timely access to the facility premises and records;
 - (g) Failure to meet effluent limitations;
 - (h) Failure to pay fines;
 - (i) Failure to pay sewer charges;
 - (j) Failure to meet compliance schedules;
 - (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - (m) Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this article.
 - (n) Failure to obtain required sewer capacity.

- (2) 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 § 162-51 of this article, a minimum of 180 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 POTW, the Joint Sewer Authority shall enter into an intermunicipal agreement with the contributing municipality.
 - (2) Prior to entering into an agreement required by Subsection H(1), above, the Joint Sewer Authority shall request the following information from the contributing municipality:
 - (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (b) An inventory of all users located within the contributing municipality that are discharging to the POTW: and
 - (c) Such other information as the Joint Sewer Authority 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 the Joint Sewer Authority's most recent sewer use resolution and local limits, including required baseline monitoring reports (BMRs) which are at least as stringent as those set out in the Joint Sewer Authority's most recent sewer use resolution. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to any municipal Joint Sewer Authority's ordinance or the POTW's local limits;
 - (b) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
 - (c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will

be conducted jointly by the contributing municipality and the Joint Sewer Authority;

- (d) A requirement for the contributing municipality to provide the Joint Sewer Authority with access to all information that the contributing municipality obtains 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 POTW;
 - (f) Requirements for monitoring the contributing municipality's discharge;
 - (g) A provision ensuring the Joint Sewer Authority 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 Joint Sewer Authority; and
 - (h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.
- (4) Pursuant to the Pennsylvania Publicly Owned Treatment Works Penalty Law (Act 9 of 1992),²⁰ the Joint Sewer Authority reserves the right to regulate waste entering the treatment plant regardless of its point of origin.
- (5) Each municipality which participates in the operation of the POTW shall, in accordance with various interjurisdictional agreements signed by them, enforce their respective sewer use ordinances with respect to the discharges within each of their jurisdictions. Whenever possible, the enforcement, in cooperation with the Joint Sewer Authority, of a particular municipality's sewer use ordinance shall be a joint and cooperative effort between the subject municipality and staff from the Joint Sewer Authority, which has primary responsibility for plant operations. In the event that any municipality fails or refuses to enforce its sewer use ordinance after the Joint Sewer Authority made a determination that such enforcement is necessary, then the Joint Sewer Authority reserves all rights which it may have to either undertake enforcement pursuant to the Pennsylvania Publicly Owned Treatment Works Penalty Law, and/or to seek enforcement of any interjurisdictional agreement which may require the cooperation of the municipality which fails or refuses to act.

§ 162-53. Reporting requirements.

- A. Baseline monitoring reports.

20. Editor's Note: See 35 P.S. § 752.1 et seq.

- (1) Within either 180 days after the date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Joint Sewer Authority a report which contains the information listed in Subsection B, below. At least 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 Joint Sewer Authority 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) All information required in § 162-51D of this article.
 - (b) Measurement of pollutants.
 - [1] The user shall provide the information required in § 162-53;
 - [2] The user shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this subsection;
 - [3] Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the user shall measure the flows and concentrations necessary to allow use of the combined waste stream formula in 40 CFR 403.5(e) to evaluate compliance with the pretreatment standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e), this adjusted limit along with supporting data shall be submitted to the Joint Sewer Authority;
 - [4] Sampling and analysis shall be performed in accordance with § 162-53J;
 - [5] The Joint Sewer Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - [6] The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal

work cycles and expected pollutant discharges to the POTW.

- (c) Compliance certification. A statement, reviewed by the user's authorized representative, as defined in § 162-48A of this article, 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.
 - (d) 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 must be provided. 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 § 162-53B of this article.
 - (e) Signature and report certification. All baseline monitoring reports must be certified in accordance with § 162-51E of this article and signed by an authorized representative, as defined in § 162-48A of this article.
- B. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by § 162-53A(2)(d) of this article:
- (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 months;
 - (3) The user shall submit a progress report to the Joint Sewer Authority no later than 14 days following each date in the schedule and the final date of compliance, including, at 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 months elapse between such progress reports to the Joint Sewer Authority.

- C. Reports on compliance with categorical pretreatment standard deadline. Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Joint Sewer Authority a report containing the information described in §§ 162-51(E)(1)(f) and 162-53(A)(2)(b) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in § 162-50, 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 § 162-51E of this article. All sampling will be done in conformance with § 162-53.
- D. Periodic compliance reports.
- (1) All significant industrial users shall, at a frequency determined by the Joint Sewer Authority but in no case less than twice per year (in June and December unless otherwise specified in the user's permit), 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. In cases where the pretreatment standard requires compliance with a BMP or pollution prevention alternative, the user, must submit documentation required by the Joint Sewer Authority or the pretreatment standard necessary to determine the compliance status of the user.
 - (2) All periodic compliance reports must be signed and certified in accordance with § 162-51 of this article. In the event that the months for submission of the reports are altered by the Joint Sewer Authority, factors such as local high or low flow rates, holiday, budget cycles, etc., shall be taken into consideration.
 - (3) 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.
 - (4) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Joint Sewer Authority, using the procedures prescribed in § 162-53 of

this article, the results of this monitoring shall be included in the report.

- (5) Reduced reporting.
- (a) The Joint Sewer Authority may reduce the requirement for periodic compliance reports for an industrial user subject to Categorical pretreatment standards to a requirement to report no less frequently than once a year, unless required more frequently in the pretreatment standard or by the EPA or state, where the industrial user's total categorical wastewater flow does not exceed any of the following:
- [1] A value equal to 0.01% of the POTW's design dry-weather hydraulic capacity, or 5,000 gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the industrial user discharges in batches;
 - [2] A value equal to 0.01% of the design dry-weather organic treatment capacity of the POTW; and
 - [3] A value equal to 0.01% of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed in accordance with § 162-49.3 of this article. (By way of example, if the POTW's maximum allowable headworks loading for copper is five pounds, then 0.01% would be 0.0005 pounds; the POTW would need to do this calculation for each pollutant for which it has approved local limits.)
- (b) Reduced reporting is not available to industrial users that have in the last two years been in significant noncompliance, as defined in § 162-56 of this article. In addition, reduced reporting is not available to an industrial user with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Joint Sewer Authority, decreasing the reporting requirement for this industrial user would result in data that are not representative of conditions occurring during the reporting period.
- (6) The industrial user must notify the Joint Sewer Authority immediately of any changes at its facility causing it to no longer meet conditions of Subsection D(5)(a) through (c) of this section. Upon notification, the industrial user must immediately begin monitoring and reporting at least twice per year in accordance with Subsection D(1) above.
- (7) All periodic compliance reports must be signed and certified in accordance with § 162-53 of this article.

- (8) 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.
 - (9) If a user subject to the reporting requirement in this section or a user subject to the certification requirement in § 162-53N(2) of this article monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Joint Sewer Authority, using the procedures prescribed in § 162-53 of this article, the results of this monitoring shall be included in the report.
- E. Reports of changed conditions. Each user must notify the Joint Sewer Authority of any planned significant changes to the user's operations or system which has the potential to alter the nature, quality, or volume of its wastewater creating a possible slug load discharge condition at least 60 days before the change.
- (1) The Joint Sewer Authority 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 § 162-51 of this article.
 - (2) The Joint Sewer Authority may issue a wastewater discharge permit under § 162-51 of this article or modify an existing wastewater discharge permit under § 162-52 of this article 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 of 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, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Joint Sewer Authority of the incident. This notification, shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user, along with the identity of the person or persons believed to be responsible for the discharge.
 - (2) Within five days following such discharge, the user shall, unless waived by the Joint Sewer Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such

notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this article.

- (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 Subsection F(1) above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.
- G. Reports of unpermitted users. All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Joint Sewer Authority as the Joint Sewer Authority may require.
 - H. Notice of violation/repeat sampling and reporting. If sampling performed by a user indicates a violation, the user must notify the Joint Sewer Authority within 24 hours 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 Joint Sewer Authority within 30 days after becoming aware of the violation. The user is not required to resample if the Joint Sewer Authority monitors at the user's facility at least once a month, or if the Joint Sewer Authority 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 Joint Sewer Authority, the EPA Regional Waste Management Division Director, and state hazardous waste authorities, in writing, of any discharge into the Joint Sewer Authority 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 100 kilograms of such waste per calendar month to the Joint Sewer Authority, 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 waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this Subsection I(1) need be submitted only once for each hazardous waste discharged. However, notifications of changed

conditions must be submitted under § 162-53 of this article. 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 § 162-53 of this article.

- (2) Discharges are exempt from the requirements of Subsection I(1), above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
 - (3) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act of 1976 identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Joint Sewer Authority, the EPA Regional Waste Management Waste Division Director, and state hazardous waste authorities of the discharge of such substance within 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 article, a permit issued thereunder, or any applicable federal or state law.
- 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, and amendments thereto, 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, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Joint Sewer Authority or other parties approved by EPA.
- K. Sample collection.
- (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis

performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- (2) Except as indicated in Subsection K(3) and (4) below, the user must collect wastewater samples using twenty-four-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Joint Sewer Authority. Where time-proportional composite sampling or grab sampling is authorized by the Joint Sewer Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides, the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Joint Sewer Authority, as appropriate. In addition, grab samples may be required to show compliance with instantaneous limits.
 - (3) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
 - (4) For sampling required in support of baseline monitoring and ninety-day compliance reports required in § 162-53, a minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Joint Sewer Authority may authorize a lower minimum. For the reports required by § 162-53D of this article, the industrial user is required to collect the number of grab samples necessary to assess and assure compliance with applicable pretreatment standards and requirements.
- L. Date of receipt of reports. Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.
- M. Recordkeeping. Users subject to the reporting requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this article and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, including documentation associated

with BMPs established under § 162-49.3. 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 three years. This period shall be automatically extended for the duration of any litigation concerning the user or the Joint Sewer Authority, or where the user has been specifically notified of a longer retention period by the Joint Sewer Authority.

N. Certification statements.

- (1) Certification of permit applications and user reports. The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with § 162-51; users submitting baseline monitoring reports under § 162-53; users submitting reports on compliance with the categorical pretreatment standard deadlines under § 162-51; and users submitting periodic compliance reports required by § 162-53. The following certification statement must be signed by an authorized representative, as defined in § 162-48:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- (2) Annual certification for nonsignificant categorical industrial users. A facility determined to be a nonsignificant categorical industrial user by the Joint Sewer Authority pursuant to § 162-48 must annually submit the following certification statement signed in accordance with the signatory requirements in § 162-48. This certification must accompany an alternative report required by the Joint Sewer Authority:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical pretreatment standards under 40 CFR ___, I certify that, to the best of my knowledge and belief that during the period from ___, ___ to ___, ___ [months, days, year]:

- (a) The facility described as ___ [facility name] met the definition of a nonsignificant categorical industrial user as described in § 162-48;

- (b) The facility complied with all applicable pretreatment standards and requirements during this reporting period; and
- (c) The facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

§ 162-54. Compliance monitoring.

- A. Right of entry: inspection and sampling. The Joint Sewer Authority shall have the right to enter the premises of any user, without notice, to determine whether the user is complying with all requirements of this article and any wastewater discharge permit or order issued hereunder. Users shall allow the Joint Sewer Authority 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. User water use may be relied upon if discharge monitoring data is not available.
 - (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 Joint Sewer Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.
 - (2) The Joint Sewer Authority shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
 - (3) The Joint Sewer Authority 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 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 the written or verbal request of the Joint Sewer Authority and shall not be replaced. The costs of clearing such access shall be borne by the user.
 - (5) Unreasonable delays in allowing the Joint Sewer Authority access to the user's premises shall be a violation of this article.

- (6) When it would be impractical or cause undue hardship on the user to situate the monitoring facility on the user's premises, the municipality may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper condition at the expense of the user.
- B. Search warrants. If the Joint Sewer Authority has been refused access to a building, structure, or property, or any part thereof by a user, and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Joint Sewer Authority designed to verify compliance with this article or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Joint Sewer Authority may seek issuance of a search warrant from the District Justice in whose jurisdiction the property is situate.

§ 162-55. 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 Joint Sewer Authority'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 Joint Sewer Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to 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.

§ 162-56. Publication of users in significant noncompliance.

The Joint Sewer Authority shall publish annually, in a daily newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term "significant

noncompliance" shall be applicable to all significant industrial users (or any other industrial user that violates Subsections C, D, H or I of this section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits as defined in § 162-48;
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by § 162-48, 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 violation of a pretreatment standard or requirement, as defined by § 162-48 (daily maximum, long-term average, instantaneous limit, or narrative standard), that the Joint Sewer Authority determines has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;
- D. Any other discharge violation that the Joint Sewer Authority believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public;
- E. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Joint Sewer Authority's exercise of its emergency authority to halt or prevent such a discharge;
- F. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- G. Failure to provide within 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- H. Failure to accurately report noncompliance; or
- I. Any other violations, which may include a violation of BMPs, which the Joint Sewer Authority determines will adversely affect the operation or implementation of the local pretreatment program.

§ 162-57. Enforcement remedies.

- A. The Joint Sewer Authority, in conjunction with the Township, is fully empowered to undertake all enforcement remedies set forth below in order to assure user compliance with all state and federal laws and regulations. The enforcement actions described herein will be undertaken pursuant to the Joint Sewer Authority's duly adopted and EPA-approved Enforcement Response Plan, a federally mandated statement of policy which provides fair and even application of all enforcement remedies to users in violation, such document being available at all times for public inspection. In addition, the Joint Sewer Authority retains each and every right and power granted pursuant to the Pennsylvania Publicly Owned Treatment Works Penalty Law, also known as "Act 9 of 1992,"²¹ in addition to any amendments thereto and pursuant to the Civil Penalty Assessment Policy adopted by the Joint Sewer Authority.
- B. Surcharge in lieu of enforcement remedy, With respect to conventional pollutants, the Joint Sewer Authority may, from time to time and at its discretion, adopt a policy whereby certain specifically identified conventional pollutants are permissibly discharged to the Joint Sewer Authority for removal at the POTW, with the cost of such removal to be borne by the discharger. The Joint Sewer Authority may expand or limit the list of conventional pollutants to which this surcharge system applies based upon the POTW's capacity/ability to effectively remove particular conventional pollutants. In the event that a conventional pollutant is within the scope of the surcharge system as it exists at the time of discharge, then such conventional pollutant discharge shall not be considered a violation of this article. However, any failure to pay the surcharge cost for the POTW's removal of the pollutant shall itself be considered a violation of this article and subject to enforcement action, in addition to all generally held rights of collection.

§ 162-57.1. Administrative remedies.

- A. Notification of violation. When the Joint Sewer Authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Joint Sewer Authority shall serve upon that user a written notice of violation. The specific manner in which such notice of violation shall be issued, and the terms and conditions pursuant to which the user shall respond or correct the violation complained of, shall be as set forth in the Enforcement Response Plan. When the notice of violation includes a plan for satisfactory correction and prevention of the violation, submission of such plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Joint Sewer Authority to

21. Editor's Note: See 35 P.S. § 752.1 et seq.

take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

B. Consent orders. The Joint Sewer Authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same effect as the administrative orders authorized elsewhere in this section of the ordinance and shall be judicially enforceable.

C. Show-cause hearing.

(1) The Joint Sewer Authority may order a user which has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Joint Sewer Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the hearing, 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 hearing shall be served personally or by registered mail at least 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.

(2) Any hearing conducted pursuant to this section shall be presided over by the Joint Sewer Authority Board (hereinafter "Board") as to why the proposed enforcement action should not be taken. In the event that any municipality fails to designate a hearing participant, then the Joint Sewer Authority shall designate an individual to so serve. The Board may itself conduct a hearing and take the evidence or may designate any of its members or any officer or employee of the Joint Sewer Authority to:

(a) Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.

(b) Take the evidence.

(c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon.

(3) At any hearing held pursuant to this article, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

- (4) After the Board has reviewed the evidence, it may issue an order, through the Joint Sewer Authority (who shall actually, issue the order), to the user responsible for the discharge, directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed or existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued.
 - (5) Any user aggrieved by the enforcement of this article may take an appeal to the Court of Common Pleas of Montgomery County, Pennsylvania, in accordance with the provisions of the local Agency Law, 2 Pa. C.S.A. § 105 et seq. A failure to appeal in accordance with the local Agency Law shall result in a waiver of all legal rights to contest the action taken at the show-cause hearing.
- D. Compliance order. When the Joint Sewer Authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Joint Sewer Authority 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.
- (1) When the Joint Sewer Authority finds that a user has violated, or continues to violate, any provision of this article, 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 Joint Sewer Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - (a) Immediately comply with all requirements; and
 - (b) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened

violation, including halting operations and/or terminating the discharge.

- (2) 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 fines.

- (1) When the Joint Sewer Authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Joint Sewer Authority may fine such user in an amount not to exceed \$25,000 or any greater amount which might be permitted by the Publicly Operated Treatment Works Penalty Law²² and the Joint Sewer Authority's Civil Penalty Assessment Policy. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation. The actual amount of the fine in a particular case shall account for the factors set forth in the Enforcement Response Plan.
- (2) Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 6% of the unpaid balance, and interest shall accrue thereafter at a rate of 6% per month. A municipal lien against the user's property shall be filed for unpaid charges, fines, and penalties.
- (3) Users desiring to dispute such fines must file a written request for the Joint Sewer Authority to reconsider the fine along with full payment of the fine amount within 20 days of being notified of the fine. Where a request has merit, the Joint Sewer Authority may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Joint Sewer Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

G. Emergency suspensions.

- (1) The Joint Sewer Authority may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Joint Sewer Authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens

22. Editor's Note: See 35 P.S. § 752.1 et seq.

to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (a) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Joint Sewer Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Joint Sewer Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Joint Sewer Authority that the period of endangerment has passed, unless the termination proceedings in § 162-57.1 of this article are initiated against the user.
 - (b) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Joint Sewer Authority prior to the date of any show-cause or termination hearing described elsewhere in this section of the ordinance.
- (2) Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

H. Termination of discharge.

- (1) In addition to the provisions in § 162-52 of this article, any user who violates the following conditions is subject to discharge termination:
 - (a) Violation of wastewater discharge permit conditions;
 - (b) Failure to accurately report the wastewater constituents and characteristics of its discharge;
 - (c) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
 - (d) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
 - (e) Violation of the pretreatment standards in § 162-49.1 of this article.
- (2) Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 162-57.1 of this article why the proposed action should not be taken. Exercise of this option by the Joint Sewer Authority shall not

be a bar to, or a prerequisite for, taking any other action against the user.

§ 162-57.2. Judicial enforcement remedies.

- A. Injunctive relief. When the Joint Sewer Authority finds that a user has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Joint Sewer Authority may petition the Court of Common Pleas of Montgomery County, through the attorney for the Joint Sewer Authority, for 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 article on activities of the user. The Joint Sewer Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.
- B. Civil penalties.
- (1) A user who has violated, or continues to violate, any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Joint Sewer Authority for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Such penalty may be assessed in accordance with § 162-59 of this article.
 - (2) The Joint Sewer Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Joint Sewer Authority.
 - (3) In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires and as set forth in the Enforcement Response Plan.
 - (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- C. Criminal prosecution. In the event that any discharge or other violation of this article constitutes a violation of any criminal or penal statute, then in addition to all enforcement remedies described elsewhere in this article, the Joint Sewer Authority or the other participating

municipalities shall have the unfettered right to initiate and/or assist in any state or federal criminal proceedings as a result of such violation. Examples of criminal conduct in connection with a violation include, but are not limited to, knowing or intentional introduction of any substance into the Joint Sewer Authority's POTW which causes injury to persons or property, otherwise undertaking any act or failing to undertake any act which recklessly endangers the well-being of the community or plant personnel, falsification of documents required to be filed pursuant to this article, and tampering with or otherwise rendering inaccurate a monitoring device or similar equipment.

- D. Remedies nonexclusive. The remedies provided for in this article are not exclusive. The Joint Sewer Authority 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 Joint Sewer Authority's Enforcement Response Plan. However, the Joint Sewer Authority may take other action against any user when the circumstances warrant. Further, the Joint Sewer Authority is empowered to take more than one enforcement action against any noncompliant user.

§ 162-58. Supplemental enforcement action.

- A. Performance bonds. The Joint Sewer Authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, 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 Joint Sewer Authority, in a sum not to exceed a value determined by the Joint Sewer Authority to be necessary to achieve consistent compliance.
- B. Liability insurance. The Joint Sewer Authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this article, 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 POTW caused by its discharge.
- C. Water supply severance. Whenever a user has violated or continues to violate any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.
- D. Public nuisances. A violation of any provision of this article, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement may separately be declared as

a public nuisance to the extent that it constitutes such nuisance as defined by Pennsylvania law or municipal ordinance.

§ 162-59. Affirmative defenses to discharge violations.

A. Upset.

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Subsection C, 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 workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (c) The user has submitted the following information to the Joint Sewer Authority within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - [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) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

- (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 prohibitions in § 162-49 of this article or the specific prohibitions in § 162-49 of this article 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 designed to prevent pass-through and/or interference, as the case may be, 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 designed to prevent pass-through and/or interference, as the case may be, exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the Joint Sewer Authority 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. Bypass.
- (1) For the purposes of this section:
 - (a) "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 - (2) 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 C and D of this section.
 - (3) Notification.

- (a) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Joint Sewer Authority, at least 10 days before the date of the bypass, if possible.
 - (b) A user shall submit oral notice to the Joint Sewer Authority of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Joint Sewer Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
- (4) Enforcement action; appeals.
- (a) Bypass is prohibited, and the Joint Sewer Authority may undertake an enforcement action against a user for a bypass, unless:
 - [1] Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - [2] 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 backup 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 preventive maintenance; and
 - [3] The user submitted notices as required under Subsection C of this section.
 - (b) The Joint Sewer Authority may approve an anticipated bypass, after considering its adverse effects, if the Joint Sewer Authority determines that it will meet the three conditions listed in Subsection D(1) of this section.
 - (c) Appeal. An industrial user assessed with a civil penalty under the terms of this section shall have the right to file an appeal to contest either the amount of the penalty or the fact of the violation, within 30 days of the assessment of the civil penalty, pursuant to the local Agency Law, 2 Pa.C.S.A. § 105 et seq. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

D. Assessment of civil penalties.

- (1) Pursuant to the provisions of the Pennsylvania Publicly Owned Treatment Works Penalty Law, Act 9 of 1992,²³ providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the Joint Sewer Authority, as the operator of the POTW, may assess a civil penalty upon an industrial user for violation of any of the terms and provisions of this article. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed \$25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct defense under this section.
- (2) As part of any notice of assessment of civil penalties issued by the Joint Sewer Authority to an industrial user, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the Joint Sewer Authority.
- (3) For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by the federal Water Pollution Control Act.²⁴ The Joint Sewer Authority may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this section.
- (4) The Joint Sewer Authority shall publicly adopt a formal, written civil penalty assessment policy and make it publicly available. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:
 - (a) Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses;
 - (b) Costs of restoration and abatement;
 - (c) Savings resulting to the person in consequence of the violation;
 - (d) History of past violations;
 - (e) Deterrence of future violations;

23. Editor's Note: See 35 P.S. § 752.1 et seq.

24. Editor's Note: See 33 U.S.C. § 1251 et seq.

- (f) Other relevant factors.
- (5) Uses for penalties. All civil penalties collected pursuant to this section shall be placed by the Joint Sewer Authority in a restricted account and shall only be used by the Joint Sewer Authority and the publicly owned treatment works for the following uses:
 - (a) The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed;
 - (b) Pay any penalties imposed on the Joint Sewer Authority or the POTW by the federal or state government for violation of pretreatment standards;
 - (c) For the costs incurred by the Township or POTW to investigate and take the enforcement action that resulted in a penalty being imposed;
 - (d) For the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program; and
 - (e) Any remaining funds may be used for capital improvements to the POTW, including collection lines.

§ 162-60. Building sewers and connections relating to industrial users.

The provisions of any applicable Township Code or the provisions of this section shall apply, whichever is more strict.

- A. No unauthorized persons (i.e., persons other than personnel of the Joint Sewer Authority, the participating municipalities, or their agents) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Township.
- B. Classes of building sewer permits.
 - (1) There shall be two classes of building sewer permits:
 - (a) For residential and commercial service, and;
 - (b) For service to industrial users.
 - (2) In either case, the owner or his agent shall make application on a special form furnished by the Joint Sewer Authority and/or the Township. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Joint Sewer Authority and/or the Township. A permit and inspection fee for a residential or commercial building

sewer permit and for an industrial building sewer permit shall be paid to the Joint Sewer Authority and/or the Township at the time the application is filed. All building sewer permit applications under Subsection B(1)(b), above, shall be reviewed and approved in writing by the Joint Sewer Authority and/or the Township prior to permit issuance. Permit and inspection fees for sewer permits shall be in such amounts as may be established from time to time by the Joint Sewer Authority and/or the Township.

- C. All costs and expenses incidental to the installation, connection, and maintenance of the building sewer shall be borne by the owner or user, who shall indemnify the Joint Sewer Authority and/or the Township from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.
- D. A separate and independent building sewer shall be provided for every building or any part of any building as may be determined by the Joint Sewer Authority and/or the Township.
- E. Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by the Joint Sewer Authority and/or the Township, to meet all requirements of this article.
- F. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing codes and/or other applicable rules and regulations of the Joint Sewer Authority and/or the Township. In the absence of code provisions or in amplification therefor the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.
- G. In order to prevent grease, oil and sand from being discharged into the public sewage system, all hospitals, nursing homes, hotels, restaurants, and any other establishments engaged in the preparation, processing or sale of food shall install and properly maintain one or more grease traps of a type and capacity approved by the Joint Sewer Authority and/or the Township, and same shall be located so as to be readily and easily accessible for cleaning and inspection. If any other user in the opinion of the Joint Sewer Authority and/or the Township discharges a quantity, oil or sand in its sewage so as to warrant the installation and maintenance of one or more grease traps, same shall be installed and maintained in accordance with these regulations at the direction of the Joint Sewer Authority and/or the Township.
- H. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a method approved by the Joint Sewer Authority and/or the Township and discharged to the building sewer.

- I. No person shall make connection of sump pumps, roof downspouts, foundation drains, area way drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a POTW unless such connection is approved in writing by the Joint Sewer Authority and/or the Township for purposes of disposal of polluted surface drainage.
- J. The connection of the building sewer into the POTW (which for purposes of this article includes the collection system) shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the respective municipality set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Joint Sewer Authority and/or the Township before installation.
- K. The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the POTW. The connection to the public sewer and testing shall be made under the supervision of the manager or his representative.
- L. All excavations for building sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Joint Sewer Authority and/or the Township.
- M. No excavation, construction, or connection work shall be commenced within the Joint Sewer Authority and/or the Township right-of-way until the owner, his agents and/or independent contractor shall have first filed a bond in double the amount of the cost of the work to be performed as determined by the Joint Sewer Authority and/or the Township, agreeing to indemnify and save harmless the Joint Sewer Authority and/or the Township against any and all loss, damages, costs, and expenses which the Joint Sewer Authority and/or the Township may thereafter suffer, incur, or pay by reason of the failure to complete properly any of the aforesaid excavation, construction, or connection work.
- N. The term "owner" as used herein, shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers of the premises, users, and all other parties having a use or interest in the premises and occupying the same with or without the consent and permission of the owner of the fee title.
- O. Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the Manager and/or the Township.

§ 162-61. Falsifying information.

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

§ 162-62. Fees.

- A. Purpose. It is the purpose of this chapter to provide for the recovery of costs from users of the Joint Sewer Authority's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Joint Sewer Authority's Schedule of Charges and Fees.
- B. Charges and fees.
- (1) The Joint Sewer Authority may adopt by Ordinance charges and fees which may include:
 - (a) Fees for reimbursement of costs of setting up and operating the Joint Sewer Authority's pretreatment program;
 - (b) Fees for monitoring, inspections, and surveillance procedures;
 - (c) Fees for reviewing accidental discharge procedures and construction;
 - (d) Fees for permit applications;
 - (e) Fees for filing appeals;
 - (f) Fees for consistent removal (by the Joint Sewer Authority) of pollutants otherwise subject to federal pretreatment standards; and
 - (g) Other fees as the Joint Sewer Authority may deem necessary to carry out the requirements contained herein.
 - (2) These fees relate solely to the matters covered by this article and are separate from all other fees or sewer rentals chargeable by the Joint Sewer Authority and Township.

§ 162-63. Severability; conflict with other legislation; when effective.

- A. Severability. If any provision of this article is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

- B. Conflict. All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this article are hereby repealed to the extent of such inconsistency or conflict.
- C. Effective date. This article shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

§ 162-64. through § 162-83. (Reserved)

ARTICLE VI

**Unauthorized Connections
[Adopted 3-20-2000 by Ord. No. 419]****§ 162-84. Purpose; objectives.**

It is declared that the enactment of this article is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township. The objectives of this article are to prevent the introduction of substances other than effluent into the sewer system in the Township and to provide a means for the Township to inspect and locate possible sources of inflow and infiltration into its sewer system and thereby limit the addition of extraneous water into the Township's sewer system that may cause the system's hydraulic capacity to be exceeded.

§ 162-85. Definitions.

As used in this article, the following terms shall have the meanings indicated:

INFILTRATION — The water entering a sewer system and service connections from the ground, through such means as, but not limited to, defective pipes, pipe joints, connections or manhole walls. Infiltration does not include, and is distinguished from, inflow.

INFLOW — The water discharged into a sewer system and service connections from such sources as, but not limited to, roof leaders, cellar, yard and area drains, foundation drains, cooling water discharges, drains from springs and swampy areas, manhole covers, cross-connections from storm sewers and combined sewers, catch basins, stormwater, surface runoff, street washes or drainage. Inflow does not include, and is distinguished from, infiltration.

§ 162-86. Applicability; administrative officer.

This article shall apply to all users of the Township's sewer and sewer collection system. Except as otherwise provided herein, the Sewage Inspection Officer of the Township shall administer, implement and enforce the provisions of this article.

§ 162-87. Construal of provisions.

Nothing contained in this article shall be construed as preventing any special agreement or arrangement between the Township and any users within or out of the Township whereby inflow and infiltration may be accepted by the Township by special agreement, in writing, executed prior to such acceptance, containing safeguards, limitations and conditions acceptable to the Township.

§ 162-88. Unlawful discharge.

- A. No user shall contribute into the sewer system or cause to be contributed, directly or indirectly, the following:
- (1) Any stormwater, surface water, springwater, groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar/basement drainage and drainage from roof leader connections.
 - (2) Industrial waste.
 - (3) Automobile oil or other nondomestic oil.
 - (4) Toxic or hazardous substances or chemicals, including but not limited to pesticides, disinfectants (excluding household cleaners), acids, paints, paint thinners, herbicides, gasoline and other solvents.
- B. These general prohibitions apply to all users of the Township sewer system, whether or not they are located within or outside the Township boundaries.

§ 162-89. Sewage Inspection Officer.

The Board of Supervisors shall appoint a Sewage Inspection Officer empowered to enforce the provisions of this article.

§ 162-90. Inspections.

The Sewage Inspection Officer shall perform free inspections at all properties using the collection system, or all of those in a particular area, in order to determine sources of inflow or infiltration into the sewer system. Once a particular area is chosen, all owners located therein shall be contacted and an inspection scheduled. The purpose of the inspection shall be to determine whether or not prohibited substances described herein are being contributed to the Township sewer system. The scope of the inspection includes any and all areas in and around a structure on an improved lot relating to the sewer system and possible video inspection of the building sewer from the structure to the sewer main. The owner of the property shall make all areas to be inspected available to the Sewer Inspection Officer.

§ 162-90.1. Site-specific inspections. [Added 8-26-2003 by Ord. No. 456]

Whenever the Township or Sewage Inspection Officer has reason to believe that any sewer pipes are cracked or otherwise defective on a property, or that there is an unlawful discharge or unauthorized connection to the sewer system on a property, such property shall be subject to test and inspection. Unlawful discharges, unauthorized connections or defects found upon such test and inspection, if any, shall be corrected as required and within the time frame specified by the Sewage Inspection Officer at the cost and expense of the property owner. The owner of the property shall make all areas to be inspected available to the Sewage Inspection Officer.

§ 162-90.2. Untimely repairs surcharge. [Added 8-26-2003 by Ord. No. 456]

If the property owner fails to timely repair any defect or cease unlawful discharges or unauthorized connections, as required in writing by the Sewage Inspection Officer, the property owner shall be subject to a surcharge over and above the normal sewer rate equal to the ratio of wet weather flow to dry weather flow.

§ 162-90.3. Access denial surcharge. [Added 8-26-2003 by Ord. No. 456]

If the property owner shall deny access to the property to the Sewage Inspection Officer for either inspection of the sewer apparatus on the property or detection of unauthorized connections or unlawful discharges, then the property owner shall be subject to a surcharge over and above the normal sewer rate equal to the ratio of wet weather flow to dry weather flow.

§ 162-91. Notice.

The Sewage Inspection Officer shall contact each owner or person responsible for the property relative to an inspection date and time.

§ 162-92. Violations and penalties.

Any person or entity alleged to have willfully or negligently failed to comply with any provision of this article or the orders, rules and regulations issued hereunder or directly from the Sewage Inspection Officer shall be prosecuted before a District Justice and, upon conviction thereof, can be subject to a fine of \$1,000 per day for each violation. Each day on which a violation shall occur or continue to occur shall be deemed to be a separate and distinct offense.

§ 162-93. Civil penalties.

The Township Solicitor may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas in Montgomery County to recover civil damages, costs, reasonable attorney fees, court costs and cost of court reporters' transcripts as well as other expenses of litigation made necessary as a result of violations of this article or the orders, rules and regulations issued hereunder or by the Sewage Inspection Officer to be recovered in an action at law instituted by the Township against the person alleged to have been responsible therefor.

ARTICLE VII
Sewage Grinder Pumps
[Adopted 9-18-2012 by Ord. No. 544]

§ 162-94. Definitions.

Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this article shall be as follows:

ACT 537 PLAN — East Norriton Township's Official Plan as defined in the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, P.L. 1535 (1965), No. 537, as amended, 35 P.S. §§ 750.1 to 750.20a ("Sewage Facilities Act" or "Act 537").

DEPARTMENT — The Pennsylvania Department of Environmental Protection.

GRINDER PUMP — Any electric motor-driven, submersible pump used in the conveyance of sanitary sewage capable of macerating all material found in normal domestic sanitary sewage, including reasonable amounts of objects, such as plastics, sanitary napkins, disposable diapers, rubber and the like, to a fine slurry, and pumping this material through a small diameter discharge.

IMPROVED PROPERTY — Any parcel of real estate located within the Township subject to the regulations of 25 Pa. Code 71.01 et seq, and 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.

OFFICIAL PLAN REVISION — A change in the Township Act 537 Plan to provide for additional or newly identified future or existing sewage facilities needs, as defined fully in Section One of the Sewage Facilities Act, 35 P.S. § 750.1.

- A. UPDATE REVISION — A comprehensive revision to the Act 537 Plan required when the Department or Township determines the Official Plan or one or more of its parts is inadequate for the existing or future sewage facilities needs of the Township, its residents or landowners.
- B. SPECIAL STUDY — A study, survey, investigation, inquiry, research report or analysis which is directly related to an update revision. The studies provide documentation or other support necessary to solve specific problems identified in the update revision.
- C. REVISION FOR NEW LAND DEVELOPMENT — A revision to the Act 537 Plan resulting from a proposed subdivision as defined in the Act 537 Plan.

PROPERTY OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any property located within the Township.

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, to the life of animals or aquatic life, and to the use of water for domestic and/or recreational purposes, and any substance which constitutes pollution under the Clean Streams Law, 35 P.S. §§ 691.1 to 691.1001, as amended.

TOWNSHIP — East Norriton Township, Montgomery County, Pennsylvania, a second class township having an address of 2501 Stanbridge Street, East Norriton, Pennsylvania 19401.

§ 162-95. Planning requirements.

The connection of proposed new land development or a proposed new improved property to an existing or proposed sewage system through the use of sewage grinder pumps, their associated force mains, or low-pressure laterals, shall occur only after an Official Plan revision to the Act 537 Plan, approved by both the Township and the Department, designates that the proposed properties be served by such a connection. All existing improved properties containing a grinder pump prior to the passage of this article are exempt from the provisions contained herein.

§ 162-96. Duties and responsibilities of Township.

- A. The Township shall exercise its powers and legal authority set forth herein, and under all applicable statutes, ordinances, and other laws to make effective the purposes of this article.
- B. The Township shall require an agreement with each property owner proposing to install a sewage grinder pump or low-pressure sewage system to ensure the short- and long-term operation and maintenance, use, service, repair or replacement of such systems.
- C. The Township shall require that all grinder pumps and low-pressure sewer systems (and the installation, use, operation, maintenance, service, repair and replacement thereof) shall comply with the rules and regulations of the Township.
- D. The Township shall require that all grinder pumps and low-pressure sewer systems be connected to the Township's sewage collection and conveyance system in full compliance with the rules and regulations of the Township.
- E. The Township shall review the type of grinder pump used and ensure that the property owner has provided documentation that full service capacity is available locally, on short notice, in the event of malfunction.
- F. The Township shall bear no responsibility for the purchase, installation, use, operation, maintenance, service, repair, or replacement of the grinder pump and/or its low-pressure force main or lateral, except as otherwise set forth herein.

§ 162-97. Duties and responsibilities of property owners.

- A. Each property owner served by a grinder pump shall bear full responsibility for providing, installing, using, operating, maintaining, servicing, repairing and replacing his/her grinder pump and/or its low-pressure force main or lateral, unless otherwise set forth herein.
- B. If the low-pressure force main is shared between property owners, each property owner shall submit to the Township a declaration of easements, covenants and restrictions in recordable form, setting forth the agreement of each benefited property owner with respect to the installation, use, operation, maintenance, service, repair and replacement of the low-pressure sewer system; said agreement shall bind all future property owners. Following the approval of the low-pressure system by all necessary parties, the Township will not issue a permit for the system's installation until evidence is presented that the agreement as defined in this subsection has been recorded in the office of the Recorder of Deeds, Montgomery County, Pennsylvania.
- C. Each property owner shall, at his/her own expense, contract with either a plumber or a private, independent contractor who has specialized training by the manufacturer of the original equipment to service the grinder pump and all of its appurtenances. The property owner shall annually renew and provide a copy of this maintenance contract to the Township for the life of the grinder pump.
- D. Each property owner shall ensure the contractor inspects the grinder pump at least once every three years and that an inspection report is generated from each inspection. The property owner shall provide the Township with copies of the inspection report, signed by the contractor. The inspection report shall certify that the grinder pump is operational, indicate resolution of any deficiencies noted in the contractor's inspection, as well as any service or alarm calls which occurred in the period between inspections. Should the property owner wish to make a revision or modification to the grinder pump, the property owner is responsible for obtaining any required permits from the Township prior to modification or revision as well as providing an amended and revised drawing detailing the revision or modification to the Township. All costs associated with inspections, modifications and amendments of and to the grinder pump shall be borne solely by the property owner.

§ 162-98. Reimbursement of costs.

In the event the Township performs the property owner's obligations as outlined in this article or any agreements resulting herefrom, the Township shall charge the property owner the cost incurred by the Township to perform the property owner's obligations, and the property owner shall reimburse the Township for all such costs. The Township shall also collect an administrative fee from the property owner in the amount of 10% of the actual total costs.

§ 162-99. Remedies of Township.

In the event of the property owner's failure to perform under or comply with this article or any agreements resulting herefrom, the Township shall have the right to pursue whatever legal or equitable remedy it deems appropriate, including, but not limited to, an action for specific performance against the property owner and filing a lien against the property.

§ 162-100. Abatement of nuisances.

In addition to any other remedies provided in this article, any violation of § 162-97 or § 162-98 contained herein shall constitute a nuisance and shall be abated by the Township by seeking mitigation of the nuisance or other appropriate equitable or legal relief from a court of competent jurisdiction.

§ 162-101. Rules and regulations to be in accordance with applicable law.

All such rules and regulations adopted by the Township to effectuate this article shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania.