

**DRAFT
ORDINANCE NO. 245**

SEWER USE ORDINANCE

AN ORDINANCE REPEALING ORDINANCE No. 204 AND ORDINANCE NO. 138 AS AMENDED BY ORDINANCE NOS. 151 AND 164, AND AS MAY HAVE FURTHER BEEN AMENDED AND PROVIDING NEW UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY AS CONTROL AUTHORITY; PROVIDING FOR ENFORCEMENT AND ADMINISTRATION BY LOWER PERKIOMEN VALLEY REGIONAL SEWER AUTHORITY; PROVIDING FOR WASTEWATER DISCHARGE PERMITS, PAYMENT OF FEES AND THE ADMINISTRATION OF THE REGULATIONS AS WELL AS FOR THE ENFORCEMENT AND IMPOSITION OF PENALTIES FOR VIOLATIONS THEREOF, AND TO COMPLY WITH APPLICABLE COMMONWEALTH AND FEDERAL LAWS.

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BE IT HEREBY ENACTED AND ORDAINED, AND IT SI HEREBY ENACTED ABD ORDAINED, by the authority of the same, by the Board of Supervisors of the Township of Perkiomen, as follows:

SECTION 1 - GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance repeals Ordinance No. 204 and Ordinance No. 138, as amended by Ordinance Nos. 151 and 164, and as may have been further amended, and sets forth uniform requirements for Users of the wastewater collection and treatment system of Perkiomen Township and enables the Lower Perkiomen Valley Regional Sewer Authority as Control Authority and enables the Lower Perkiomen Valley Regional Sewer Authority to comply with all applicable Commonwealth and Federal laws required by the Clean Water Act (33 United States Code [U.S.C.] section 1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR], part 403).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the POTW and wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the POTW and wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- (d) To promote reuse and recycling of industrial wastewaters and sludges from the system; and
- (e) To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the POTW and wastewater system.
- (f) To enable the Lower Perkiomen Valley Regional Sewer Authority as Control Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or Commonwealth laws to which the Publicly Owned Treatment Works is subject.

1.2 Administration

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

This Ordinance shall apply to all users of the POTW. Except as otherwise provided herein, the Lower Perkiomen Valley Regional Sewer Authority shall administer, implement, and enforce the provisions of this Ordinance, as the Control Authority.

1.3 Definitions

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

- (1) Act "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (2) Approval Authority. The Regional Administrator of the EPA.
- (3) Authorized or Duly Representative of the User.
 - (a) If the User is a corporation:
 1. The president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
 2. The manager of one or more manufacturing, production, or 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
 - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
 - (c) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
 - (d) The individuals described in paragraphs (a) through (c), above, may designate another duly 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 Lower Perkiomen Valley Regional Sewer Authority.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, for five (5) days at 20 centigrade expressed in terms of concentration (milligrams per liter (mg/l)).
- (5) Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 and 2.2 [40 CFR 403.5(a)(1) 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.

- (6) Building Sewer. A sewer conveying wastewater from the premises of a User to the public sanitary sewer system of the POTW.
- (7) Categorical Industrial User. An Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (8) Categorical Standards or Categorical Pretreatment Standards. National Categorical Pretreatment Standards, being any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (9) Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.
- (10) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (11) Control Authority. The term "control authority" shall refer to Lower Perkiomen Valley Regional Sewer Authority.
- (12) Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.
- (13) Daily Maximum Limit. The maximum allowable discharge limit of a pollutant during a calendar day. 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.
- (14) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
- (15) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency, including the Regional Water Management Division Director.
- (16) Existing Source. Any source of discharge that is not a "New Source".
- (17) Grab Sample. A sample which is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
- (18) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (19) Indirect Discharge or Discharge. The discharge or the introduction of pollution from any non-domestic source regulated under section 307(b), (c) or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).

- (20) Industrial User. A source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402, of the Act. In addition, “Industrial User” shall also be defined as an establishment which discharges or introduces industrial wastes into the POTW.
- (21) Industrial Waste. Shall have the meaning ascribed to it in the Act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Stream Law and the regulations adopted thereunder.
- (22) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- (23) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW treatment process or operations or its sludge processes, use or disposal; and therefore, is the cause of a violation of the Lower Perkiomen Valley Regional Sewer Authority’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 Commonwealth or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any Commonwealth regulations contained in any Commonwealth sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (24) Local Limit. Specific discharge limits developed and enforced by the Control Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).
- (25) 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.
- (26) Monthly Average. The sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (27) 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.
- (28) National Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users, as set forth in 40 CFR, Chapter I, Subchapter N, Parts 405 - 471.
- (29) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (30) New Source.
- (a) Any building, structure, facility or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of

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

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
 2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
 3. The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- (b) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (a) 2 or 3 above, but otherwise alters, replaces, or adds to existing process or production equipment.
- (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
1. Begun, or caused to begin, as part of a continuous onsite construction program:
 - a. any placement, assembly, or installation of facilities or equipment; or
 - b. significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial losses, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (31) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (32) 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.
- (33) Pass Through. A discharge which exits the POTW into the waters of the U.S. in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of the POTW's National Pollutant Discharge Elimination System ("NPDES") permit, including an increase in the magnitude or duration of a violation.

- (34) Permittee. The term “permittee” shall refer to the Lower Perkiomen Valley Regional Sewer Authority as Control Authority.
- (35) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context. This definition includes all Federal, Commonwealth, and local governmental entities.
- (36) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (37) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (38) Pollutant. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural wastes, and certain characteristics of waste water (e.g. pH, temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).
- (39) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (40) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an User. Any substantive or procedural provision of the Federal Water Pollution Control Act (62 Stat. 115, 33 U.S.C. §125 1 et seq.) or the Act of June 22, 1937 (P.L. 1987, No. 394), known as The Clean Streams Law, or any rule or regulation, ordinance or term or condition of a permit or order adopted or issued by the Commonwealth or a POTW for the implementation or enforcement of an industrial waste pretreatment program established under the Federal Water Pollution Control Act or The Clean Streams Law.
- (41) Pretreatment Standard. Prohibited discharge standards, categorical pretreatment standards, and local limits.
- (42) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2. 1 and 2.2 of this Ordinance.
- (43) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned and operated by the Lower Perkiomen Valley Regional Sewer Authority. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Ordinance, “POTW” shall also include any sewers that convey wastewaters to the POTW from persons who are Users of the POTW. This definition includes any devices or systems used in the collection, storage,

treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey waste water to a treatment plant. As used herein; POTW refers to the wastewater treatment plant owned by Lower Perkiomen Valley Regional Sewer Authority.

- (44) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.
- (45) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (46) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (47) Shall is mandatory: May is permissive.
- (48) Significant Industrial User.

Except as provided in paragraphs (c) and (d) of this Section, a Significant Industrial User is:

- (a) An Industrial User subject to categorical pretreatment standards; or
- (b) An Industrial User that:
 - 1. Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);
 - 2. Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
 - 3. Is designated as such by the Lower Perkiomen Valley Regional 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.
- (c) The Control Authority may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - 1. The Industrial User, prior to Control Authority's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
 - 2. The Industrial User annually submits the certification statement required in Section 6.14 (b) [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and
 - 3. The Industrial User never discharges any untreated concentrated wastewater.

- (d) Upon a finding that a User meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Lower Perkiomen Valley Regional Sewer Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a Significant Industrial User.
- (49) Significant Noncompliance. An Industrial User is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(vii). For purposes of this definition, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:
- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2:
 - (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the 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 in Section 2, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
 - (c) Any other violation of a Pretreatment Standard or Requirement, as defined in Section 2 (daily maximum, long-term average, Instantaneous Limit or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, interference or pass through including endangering the health of POTW personnel or the general public;
 - (d) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under of this Ordinance to halt or prevent such a discharge;
 - (e) Failure to meet, within ninety (30) days after the schedule date, a compliance schedule milestone contained in this Ordinance or in an enforcement order.
 - (f) Failure to provide, within thirty (30) days after the due date, any required reports such as baseline monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
 - (g) Failure to accurately report non-compliance;
 - (h) Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely effect the operation or implementation of the pretreatment program.
- (50) Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an

accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

- (51) State. Commonwealth of Pennsylvania.
- (52) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.
- (53) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom, including snow melt.
- (54) Superintendent. The person designated by the Control Authority to supervise the operation of the publicly owned treatment works.
- (55) Suspended Solids or Total 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.
- (56) Toxic Pollutant. Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.
- (57) User or Industrial User. Any person who contributes, causes or permits the indirect discharge of wastewater into the POTW.
- (58) Wastewater. The liquid and water-carried industrial and domestic wastes and sewage from dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- (59) Wastewater Discharge Permit. A permit issued by the Control Authority to a User Permitting the discharge of Wastewater into the Publicly Owned Treatment Works.
- (60) Waters of the Commonwealth. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.
- (61) Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

1.4 Abbreviation and Acronyms.

The following abbreviations or acronyms shall have the designated meanings:

AO	Administrative Order
BAT	Best Available Treatment
BATEA	Best Available Technology Economically Achievable
BCT	Best Control Technology
BMP	Best Management Practices
BMR	Baseline Monitoring Report

B/N	Base/Neutral
BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
BPT	Best Professional Technology
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CSO	Combined Sewer Overflow
CWA	Clean Water Act
CWF	Combined Wastestream Formula
DMR	Discharge Monitoring Report
DSS	Domestic Sewage Study
EMS	Enforcement Management System
EP	Extraction Procedure
EPA	Environmental Protection Agency of the United States
FDF	Fundamentally Different Factor
FOV	Finding of Violation
FOG	Fats, Oil, and Grease
FR	Federal Register
FWA	Flow-Weighted Averaging
FWPCA	Federal Water Pollution Control Act
GC/MS	Gas Chromatograph/Mass Spectrophotometry
gpd	gallons per day
I + I	Infiltration and Inflow
IU	Industrial User
IWS	Industrial Waste Survey
MAHL	Maximum Allowable Headworks Loading
MGD	Million Gallons Per Day
mg/l	milligrams per liter
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
NIOSH	National Institute of Occupational Safety and Health
NMP	National Municipal Policy
NPDES	National Pollutant Discharge Elimination System
NON	Notice of Noncompliance
NOV	Notice of Violation
OCPSF	Organic Chemicals, Plastics, and Synthetic Fibers
O&G	Oil and Grease
O&M	Operations and Maintenance
OSHA	Occupational Safety and Health Administration
OWEC	Office of Water Enforcement and Compliance
PAD	Proportioned Actual Domestic Flow
PAH	Polynuclear Aromatic Hydrocarbons
PAI	Proportioned Actual Industrial Flow
PASS	Pretreatment Audit Summary System
PCB	Polychlorinated Biphenols
PCI	Pretreatment Compliance Inspection
PCME	Pretreatment Compliance Monitoring and Enforcement
PCS	Permit Compliance System
PIRT	Pretreatment Implementation Review Task Force
POTW	Publicly Owned Treatment Works

ppd	pounds per day
ppm	parts per million
ppb	parts per billion
PPETS	Pretreatment Permits Enforcement Tracking System
PQR	Permit Quality Review
PSNS	Pretreatment Standards for New Sources
PSES	Pretreatment Standards for Existing Sources
QA/QC	Quality Assurance/Quality Control
QNCR	Quarterly Noncompliance Report
RCRA	Resource Conservation and Recovery Act
RNC	Reportable Noncompliance
SARA	Superfund Amendments and Reauthorization Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SMP	Solvent Management Plan
SNC	Significant Noncompliance
SPCC	Spill Prevention Control and countermeasures
SPMS	Strategic Planning and Management System
STP	Sewage Treatment Plant
STLC	Soluble Threshold Limit Concentration
SUO	Sewer Use Ordinance
SWDA	Solid Waste Disposal Act
TCLP	Toxicity Characteristic Leachate Procedure
TDS	Total Dissolved Solids
TICH	Total Identifiable Chlorinated Hydrocarbons
TOMP	Toxic Organic Management Plan
TRC	Technical Review Criteria
TRE	Toxicity Reduction Evaluations
TSS	Total Suspended Solids
TTO	Total Toxic Organics
TTLC	Total Threshold Limit Concentration
USC	United States Code
VOA	Volatile Organic Analysis
VOC	Volatile Organic Compounds
VSS	Volatile Suspended Solids
WENDB	Water Enforcement National Data Base
WQA	Water Quality Act
WQS	Water Quality Standards
WWTP	Wastewater Treatment Plant

SECTION 2 - GENERAL SEWER USE REQUIREMENTS

2.1 General Discharge Prohibitions and Standards

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

2.2 Specific Prohibitions

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

- (a) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140°F (60°C) using the text methods specified in 40 CFR 261.21;
- (b) Wastewater having a pH less than 5.0 or more than 10.0 or otherwise causing corrosive structural damage to the POTW or equipment;
- (c) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference (but in no case solids greater than one-half inch (½”) in any dimension). The following substances are also prohibited: ashes, cinders, sand, mud, straw, metal, glass, bones, rags, feather, tar, plastic, wood, paunch manure, whole blood or blood products, lye, building materials, rubber, hair, shavings, leather, china, ceramic wastes, asphalt, paint, waxes, butcher offal, porcelain, and bentonite.
- (d) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (e) Wastewater having a temperature greater than 104°F (40°C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (f) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (g) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (h) Trucked or hauled pollutants or wastewater.;
- (i) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (j) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant’s effluent, thereby violating the Lower Perkiomen Valley Regional Sewer Authority’s NPDES permit;
- (k) Wastewater containing any radioactive wastes or isotopes.
- (l) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, de-ionized water, non-contact cooling water, and unpolluted wastewater;
- (m) Sludges, screenings, or other residues from the pretreatment of industrial wastes;

- (n) Medical wastes;
- (o) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;
- (p) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (q) Wastewater causing an explosive hazard at the point of discharge or at any point in the sewer interceptor system or the POTW;
- (r) Any substance or condition which will cause the POTW to violate its NPDES and/or Commonwealth Disposal System Permit, the receiving water quality standards, or any statute, rule, or regulation of any public agency.
- (s) In no case shall a slug load have a flow rate or contain concentration or qualities of pollutants that exceed any time period longer than fifteen (15) minutes or contain more than five (5) times the average twenty-four (24) hour concentration of flow during normal operation, or otherwise constitutes a Slug Discharge.
- (t) The discharge of toxic or hazardous wastes, as defined in the Act or RCRA.
- (u) Total solids of such character or quantity as to require unusual attention or expense in treatment.
- (v) Discharges prohibited by Commonwealth or Federal regulations.
- (w) Fats, oils, or greases of an animal or vegetable origin in concentrations greater than 100 mg/l.

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

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

2.3 National Categorical Pretreatment Standards

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

- (a) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Control Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (b) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Control Authority shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

- (c) A User may obtain a variance from a categorical pretreatment standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- (d) A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

2.4 Modification of National Categorical Pretreatment Standards

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

2.5 Commonwealth Requirements

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

2.6 Right of Revision

The Lower Perkiomen Valley Regional Sewer Authority as Control Authority reserves the right to establish by Resolution more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in Section 1.1 of this Ordinance.

2.7 Dilution

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Control 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.

2.8 Accidental Discharges

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

the facility. All existing Users shall complete such a plan by January 1, 1994. No User shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Control 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 Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately notify the Control Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice: Within five (5) days following an accidental discharge; the User shall submit to the Control 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.

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

2.9 Local Limits.

The Lower Perkiomen Valley Regional Sewer Authority as Control 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, interference, and sludge contamination. No person shall discharge wastewater containing in excess of the following limits:

<u>Parameter</u>	<u>Daily Maximum (mg/l)</u>
Arsenic	0.1
Cadmium	0.05
Chromium	3.5
Copper	1.0
Cyanide	1.0
Lead	0.8
Mercury	0.002
Nickel	1.1
Oil and grease and fats of animal or vegetable origin	100
Oil and grease of petroleum origin, non-biodegradable cutting oil, mineral oil	25
Silver	0.35
Zinc	2.4

The above limits apply at the point where the wastewater is discharged to the sewer. All concentrations from metallic substances are for "total" metal unless otherwise indicated. The above local limits are based on Maximum Allowable Headworks Loadings (MAHL) as approved by EPA. The Lower Perkiomen Valley Regional Sewer Authority as Control Authority, through the issuance of an

Industrial Waste Discharge Permit, may establish other effluent limits consistent with the approved MAHL. No such permits, however, shall waive or abrogate Federal or Commonwealth categorical pretreatment standards or regulations. Categorical concentrations apply at the end of the process wastestream. No person shall discharge wastewater containing in excess of allowable discharge limits as established by the Lower Perkiomen Valley Regional Sewer Authority as Control Authority. The Lower Perkiomen Valley Regional Sewer Authority as Control Authority, may impose mass limitations in addition to, or in place of, the concentration based limitations.

The Lower Perkiomen Valley Regional Sewer Authority as Control Authority, may develop Best Management Practices (BMPs), by resolution or in wastewater discharge permits, to implement Local Limits and the requirements of Section 2.

SECTION 3 - PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2 of this Ordinance within the time limitations specified by EPA, the Commonwealth, or the Control 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 Control Authority for review, and shall be acceptable to the Control 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 Control Authority under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

- (a) Whenever deemed necessary, the Control 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 wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- (b) The Control 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.
- (c) Grease, oil, and sand interceptors shall be provided by the User when, in the opinion of the Control 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. All interception units shall be of type and capacity approved by the Control 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 their expense.
- (d) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

3.3 Accidental Discharge/Slug Discharge Control Plans

The Control Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan or other action to control slug discharges. The Control Authority may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Control Authority may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the Control Authority of any accidental or slug discharge, as required by this Ordinance; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

The Lower Perkiomen Valley Regional Sewer Authority does not accept septic tank waste or industrial waste from haulers or RCRA hazardous wastes.

SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION

4.1 Wastewater Dischargers

It shall be unlawful to discharge to the POTW or in any area under the jurisdiction of the Control Authority, and/or to the POTW, any wastewater except as authorized by the Control Authority in accordance with the provisions of this Ordinance, subject to Commonwealth and Federal laws and regulations.

4.2 Wastewater Analysis

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

4.3 Wastewater Discharge Permit Requirement

- (a) No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Control Authority. A permitted user may discharge for the time period specified in the Permit.
- (b) The Control Authority may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Ordinance.

- (c) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Ordinance and subjects the Wastewater Discharge Permittee to the sanctions set out in this Ordinance. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and Commonwealth pretreatment standards or requirements or with any other requirements of Federal, Commonwealth, and local law.

4.4 Wastewater Discharge Permitting: Existing Connections

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

4.5 Wastewater Discharge Permitting: New Connections

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

4.6 Wastewater Discharge Permit Application Contents

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Control Authority, an application in the form prescribed in this Ordinance. The Control Authority may require Users to submit all or some of the following information as part of a permit:

- (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 should 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 wastestream formula set out in Section 2.2C (40 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 Control 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 Section 6.9 of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard.
 - (5) Sampling must be performed in accordance with procedures set out in Section 6.10 of this Ordinance.
 - (6) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present in the discharge based on Section 6.4 (b) [40 CFR 403.12(e)(2)]
- (h) Any other information as may be deemed necessary by the Control Authority to evaluate the Wastewater Discharge Permit application.

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

4.7 Application Signatories and Certification

- (a) 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 Section 6.14(a).
- (b) 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 Control Authority prior to or together with any reports to be signed by an Authorized Representative.
- (c) A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to 1.3(48)(c) must annually submit the signed certification statement in Section 6.14(b).

4.8 Wastewater Discharge Permit Decisions

The Control Authority will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete Wastewater Discharge Permit application, the Control Authority will determine whether or not to issue a wastewater discharge permit. The Control Authority may deny any application for a wastewater discharge permit.

SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

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

5.2 Wastewater Discharge Permit Contents

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Control 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.

- (a) Wastewater Discharge Permits must contain:
 - (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
 - (2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Control Authority in accordance with Sections 5.3 and 5.5 of this Ordinance, and provisions for furnishing the new owners or operator with a copy of the existing Wastewater Discharge Permit;
 - (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;

- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, Commonwealth, and local law;
 - (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 6.4(b);
 - (6) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, Commonwealth or local law;
 - (7) Requirements to control Slug Discharge, if determined by the Control Authority to be necessary; and
 - (8) Any grant of the monitoring waiver by the Control Authority (Section 6.4(b)) must be included as a condition in the User's permit.
- (b) Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
 - (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 - (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
 - (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
 - (7) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and Commonwealth pretreatment standards, including those which become effective during the term of the Wastewater Discharge Permit; and
 - (8) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance, and Commonwealth and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

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

- (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (b) In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit.
- (c) The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
- (d) If the Control Authority fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.
- (e) Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County within thirty (30) days of the final administrative Wastewater Discharge Permit decision.

5.4 Wastewater Discharge Permit Modification

The Control Authority may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

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

- (i) To reflect a transfer of the facility ownership or operation to a new owner or operator.

5.5 Wastewater Discharge Permit Transfer

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

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Control Authority and it approves the Wastewater Discharge Permit transfer. The notice to the Control 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.

The new owner and/or operator shall provide a completed application pursuant to Section 4 of this Ordinance.

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

5.6 Wastewater Discharge Permit Revocation

The Control Authority may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons;

- (a) Failure to notify the Control Authority of significant changes to the wastewater prior to the changed discharge;
- (b) Failure to provide prior notification to the Control Authority of changed conditions pursuant to Section 6.5 of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Control Authority or its designated representative timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;

- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the Wastewater Discharge Permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility;
or
- (m) Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

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

5.7 Wastewater Discharge Permit Reissuance

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

5.8 Regulation of Waste Received from Other Jurisdictions

- (a) If a municipality, or User located within another municipality, contributes wastewater to the POTW, the Lower Perkiomen Valley Regional Sewer Authority as Control Authority shall enter into an intermunicipal agreement with the contributing municipality.
- (b) Prior to entering into an agreement required by paragraph (a) above, the Control Authority shall request the following information from the contributing municipality:
 - (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
 - (2) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
 - (3) Such other information as the Control Authority may deem necessary.
- (c) An intermunicipal agreement, as required by paragraph (a), above, shall contain the following conditions:
 - (1) A requirement for the contributing municipality to adopt a sewer use Ordinance which is at least as stringent as this Ordinance and local limits, including Baseline Monitoring Reports (BMRs), which are at least as stringent as those set out in Section 2.9 of this Ordinance. The requirement shall specify that such Ordinance and local

limits must be revised as necessary to reflect changes made to the Lower Perkiomen Valley Regional Sewer Authority's Resolution or local limits;

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

SECTION 6 - REPORTING REQUIREMENTS

6.1 Baseline Monitoring Reports

- (a) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the Control Authority a report which contains the information listed in paragraph (b) below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Control Authority a report which contains the information listed in paragraph (b), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- (b) Users described above shall submit the information set forth below.
 - (1) All information required in Section 4.6(a)(1), Section 4.6(a)(2), Section 4.6(c)(1), and Section 4.6(f).

- (2) Measurement of pollutants.
 - (a) The User shall provide the information required in Section 4.6(g)(1) through (4).
 - (b) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - (c) 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 should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(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 Control Authority;
 - (d) Sampling and analysis shall be performed in accordance with Section 6.10;
 - (e) The Control 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;
 - (f) 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.
- (3) Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 1.3(3) and certified to by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (4) 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 Section 6.2 of this Ordinance.
- (5) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 6.14(a) of this Ordinance and signed by an Authorized Representative as defined in Section 1.3(3).

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the schedule required by Section 6.1(b)(4) of this Ordinance.

- (a) The schedule shall contain progress increments (milestones) in the form of dates for the commencement and completion of major events leading to the construction and operation of

additional pretreatment required for the User to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- (b) No increment referred to above shall exceed six (6) months;
- (c) The User shall submit a progress report to the Control Authority no later than fourteen (14) days following each date in the schedule and the final date for compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return the construction to the established schedule; and
- (d) In no event shall more than one (1) month elapse between such progress reports to the Control Authority.

6.3 Report on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Control Authority a report containing the information described in Section 4.6(f) and (g) and Section 6.1(b)(2) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.7 of this Ordinance.

6.4 Periodic Compliance Reports

All SIUs are required to submit periodic compliance reports even if they have been designated a Non-Significant Categorical Industrial User under the provisions of Section 6.4(c).

- (a) Except as specified in Section 6.4(c), all Significant Industrial Users must, at a frequency determined by the Control Authority submit no less than twice per year (June and December [or on dates specified]) reports indicating the nature, 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 Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- (b) The Control Authority may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:

- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
 - (2) The monitoring waiver is valid only for the duration of the effective period of the individual wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent individual wastewater discharge permit. See Section 4.6(g)(6).
 - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 - (4) The request for a monitoring waiver must be signed in accordance with Section 1.3(3), and include the certification statement in 6.14(a) [40 CFR 403.6(a)(2)(ii)].
 - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
 - (6) Any grant of the monitoring waiver by the Control Authority must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the Control Authority for 3 years after expiration of the waiver.
 - (7) Upon approval of the monitoring waiver and revision of the User's permit by the Control Authority, the Industrial User must certify on each report with the statement in Section 6.14(c) below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
 - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 6.4(a), or other more frequent monitoring requirements imposed by the Control Authority, and notify the Control Authority.
 - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- (c) The Control Authority may reduce the requirement for periodic compliance reports [see Section 6.4(a) (40 CFR 403.12(e)(1))] to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
- (1) 1,211 gallons per day [0.01 percent of the POTW's design dry-weather *hydraulic capacity* (12.11 mgd) of the POTW], or five thousand (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) 1.25 pounds per day [0.01 percent of the design dry-weather *organic treatment capacity* (12,500 pounds per day) of the POTW]; and
- (3) The loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 2.4 of this Ordinance shall be below 0.01 percent of the maximum allowable headworks loading as set forth below:

Parameter	0.01% MAHL (0.001 lbs/day)
Arsenic	0.140
Cadmium	0.040
Chromium	1.800
Copper	1.483
Cyanide	1.453
Lead	0.365
Mercury	0.032
Nickel	1.160
Silver	2.732
Zinc	2.400

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 9 of this Ordinance. 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 Control Authority, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- (d) All periodic compliance reports must be signed and certified in accordance with Section 4.7 of this Ordinance.
- (e) 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
- (f) If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Control Authority, using the procedures prescribed in Section 6.10 of this Ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

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

- (a) The Control 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 Section 4.6 of this Ordinance.
- (b) The Control Authority may issue a Wastewater Discharge Permit under Section 5.7 of this Ordinance or modify an existing Wastewater Discharge Permit under Section 5.4 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (c) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug discharge or slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Control 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.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Control Authority, submit a detailed written report to the Control Authority describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain a Wastewater Discharge Permit shall provide appropriate reports to the Control Authority as the Control Authority may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

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

6.9 Analytical Requirements

All pollutant analyses, including sample techniques, to be submitted as a part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 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 the 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 Control Authority or other parties approved by EPA.

6.10 Sample Collection

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.

- (a) Except as indicated in Section (b) and (c) below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time-proportional composite sampling or grab sampling is authorized by the Control 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 24-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 Control Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (b) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (c) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) 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 Control Authority may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.11 Timing

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

6.12 Recordkeeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 2.9. 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 (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the Control Authority.

6.13 Discharge of Hazardous Waste

The discharge of Hazardous Waste into the Lower Perkiomen Valley Regional Sewer Authority system is strictly prohibited.

6.14 Certification Statements

- (a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.7; Users submitting baseline monitoring reports under Section 6.1(b)(5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4(a)-(d) and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 6.4(b)(4). The following certification statement must be signed by an Authorized Representative as defined in Section 1.3(3):

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.

- (b) Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Control Authority pursuant to 1.3(48)(c) and 4.7(c) must annually submit the following certification statement signed in accordance with the signatory requirements in 1.3(3) This certification must accompany an alternative report required by the Control 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 Non-Significant Categorical Industrial User as described in 1.3(48)(c);

(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.

(c) Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 6.4(b) must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 6.4(a).

SECTION 7 - COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Control Authority or its designated representative shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Ordinance and any Wastewater Discharge Permit or order issued hereunder. Users shall allow the Control Authority or its designated representative 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. A User shall not obstruct, block or otherwise interfere with access to the sampling point(s).

- (a) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Control Authority or its designated representative shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (b) The Control Authority or its designated representative shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

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

7.2 Search Warrants

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

SECTION 8 - CONFIDENTIAL INFORMATION

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

SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (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 paragraphs (c), (d) or (h) of this Section) and shall mean:

- (a) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or

Requirement, including Instantaneous Limits as defined in Section 2;

- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2, 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 Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Control Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (d) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority's exercise of its emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within thirty (30) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Control Authority may serve upon that User a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Control Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Control Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Control 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 shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Section 10.4 and 10.5 of this Ordinance.

10.3 Show Cause Hearing

The Control Authority may order a User which has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Control 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 meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User, as defined in Section 1.3(3) and required by Section 4.7(a). A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

10.4 Compliance Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Control 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.

10.5 Cease and Desist Orders

When the Control Authority finds that a User has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Control 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.

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

10.6 Administrative Civil Penalties

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

10.7 Emergency Suspensions

The Control 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 Control Authority may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which represents, or may present, an endangerment to the environment.

- (a) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Control 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 Control Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Control Authority that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this Ordinance are initiated against the User.
- (b) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Control Authority prior to the date of any show cause or termination hearing under Section 10.3 or 10.8 of this Ordinance.

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this Ordinance, any User who violates the following conditions is subject to discharge termination:

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

Such User will be notified of proposed termination of its discharge and be offered an opportunity to show cause under section 10.3 of this Ordinance why the proposed action should not be taken. Exercise of this option by the Control Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

10.9 Notification to Contributing Jurisdictions

The Control Authority shall provide to the Contributing Municipality a true and correct copy of any Administrative Enforcement Remedy, Judicial Enforcement Remedy, or Supplemental Enforcement Action initiated by the Control Authority with reference to an industrial User within the Municipality, pursuant to Sections 10, 11 and 12 of this Ordinance. The failure to provide a copy to the Contributing Municipality shall not be a defense to any third party who is a subject of an Administrative Enforcement Remedy, Judicial Enforcement Remedy, or Supplemental Enforcement Action.

SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

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

11.2 Civil Penalties

- (a) A User who has violated, or continues to violate, any provision of this Ordinance, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Control Authority for a maximum civil penalty of Twenty-five Thousand Dollars (\$25,000) per violation, per day. In the case of a monthly or other long-

term average discharge limit, penalties shall accrue for each day during the period of the violation. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

- (b) The Control 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 Control Authority.
- (c) In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (d) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.3 Criminal Prosecution

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

11.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Control 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 Control Authority's enforcement response plan. However, the Control Authority may take other action against any User when the circumstances warrant. Further, the Control Authority is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION

12.1 Performance Bonds

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

12.2 Liability Insurance

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

12.3 Public Nuisances

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

12.4 Assessment of Civil Penalties

- (a) Pursuant to the provisions of Act 9 of 1992, providing for enhanced penalty authority for publicly owned treatment works' which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the Control Authority, as the operator of a publicly owned treatment works, may assess a civil penalty upon an Industrial User for violation of any of the terms and provisions of this Ordinance. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed Twenty Five Thousand Dollars (\$25,000) per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this Section.
- (b) As part of any notice of assessment of civil penalties issued by the Control 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 Control Authority.
- (c) For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The Control Authority may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this Section.
- (d) The Lower Perkiomen Valley Regional Sewer Authority as Control 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:
 - (1) Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses;
 - (2) Costs of restoration and abatement;
 - (3) Savings resulting to the person in consequence of the violation;

- (4) History of past violations;
 - (5) Deterrence of future violations; and
 - (6) Other relevant factors.
- (e) Uses for Penalties. All civil penalties collected pursuant to this Section shall be placed by the Control Authority in a restricted account and shall only be used by the Control Authority and the publicly owned treatment works for the following uses:
- (1) The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed;
 - (2) Pay any penalties imposed on the Lower Perkiomen Valley Regional Sewer Authority as Control Authority or the publicly owned treatment works by the Federal or Commonwealth government for violation of pretreatment standards;
 - (3) For the costs incurred by the Lower Perkiomen Valley Regional Sewer Authority as Control Authority or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed;
 - (4) For the monitoring of discharges in the pretreatment program and for capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program; and
 - (5) Any remaining funds may be used for capital improvements to the treatment works, including collection lines.
- (f) Injunctive Relief. The Control Authority shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Act 9 of 1992, and 40 CFR 403.8(f)(1)(vi)(A). Injunctive Relief shall be available upon the showing of one or more of the following:
- (1) A discharge from an Industrial User presents an imminent danger or substantial harm to the POTW or the public;
 - (2) A discharge from an Industrial User presents an imminent or substantial endangerment to the environment;
 - (3) A discharge from an Industrial User causes the POTW to violate any condition of its discharge permit; or
 - (4) The Industrial User has shown a lack of ability or intention to comply with a Pretreatment Standard.

Notwithstanding the preceding paragraph, an injunction affecting an industrial operation not directly related to the condition or violation in question, may be issued if the Court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation. In addition to an injunction, the Court in any such proceedings may

levy civil penalties in accordance with Act 9 of 1992 and this Ordinance.

- (g) Appeal. An Industrial User assessed with a civil penalty under the terms of this Section shall have thirty (30) days to pay the proposed penalty in full, or, if the Industrial User wishes to contest either the amount of the penalty or the fact of the violation, the Industrial User must file an appeal of the action within thirty (30) days pursuant to 2 Pa.C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.
- (h) The penalty authorized in this Section is intended to be concurrent and cumulative, and the provisions of this Section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to a person, the Lower Perkiomen Valley Regional Sewer Authority as Control Authority, or the Commonwealth.

12.5 Falsifying Information

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

SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS

13.1 Upset

- (a) For the purposes of this section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (b) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (c), below, are met.
- (c) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An upset occurred and the User can identify the cause(s) of the upset;
 - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The User has submitted the following information to the Control Authority within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - A. A description of the indirect discharge and cause of noncompliance;

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

13.2 Prohibited Discharge Standards

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

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

13.3 Bypass

- (a) For the purposes of this section,
 - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a User's treatment facility.
 - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- (b) A User may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (c) and (d) of this section.

(c) Bypass Notification

- (1) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Control Authority, at least ten (10) days before the date of the bypass, if possible.
- (2) A User shall submit oral notice to the Control Authority of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times; and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.

(d) Bypass

- (1) Bypass is prohibited, and the Control Authority may take an enforcement action against a User for a bypass, unless:
 - A. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
 - B. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal period of equipment downtime or preventive maintenance; and
 - C. The User submitted notices as required under paragraph (c) of this Section.
- (2) The Control Authority may approve an anticipated bypass, after considering its adverse effects, if the Control Authority determines that it will meet the three conditions listed in paragraph (d)(1) of this section.

SECTION 14 - FEES

14.1 Purpose

It is the purpose of this Ordinance to provide for the recovery of costs from Users of the Lower Perkiomen Valley Regional Sewer Authority's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in a Schedule of Charges and Fees.

14.2 Charges and Fees

The Lower Perkiomen Valley Regional Sewer Authority as Control Authority may adopt by Resolution charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the 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 of pollutants otherwise subject to Federal Pretreatment Standards; and
- (g) Other fees as the Control Authority may deem necessary to carry out the requirements contained herein,

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees or sewer rentals chargeable by the Lower Perkiomen Valley Regional Sewer Authority as Control Authority or any municipality contributing wastewater flows to the POTW.

SECTION 15 - SEVERABILITY

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

SECTION 16 – REPEAL OF PRIOR ORDINANCES

Ordinance No. 204 and Ordinance No. 138, as amended by Ordinance Nos. 151 and 163, are hereby repealed in their entirety.

SECTION 17 - DATE OF EFFECT

This Ordinance shall take effect and shall be enforced from and after its approval.

ENACTED AND ORDAINED _____ day of _____, 2025, by the Board of Supervisors of the Township of Perkiomen.

**PERKIOMEN TOWNSHIP
BOARD OF SUPERVISORS**

ATTEST:

Cecile M. Daniel, Secretary

By: _____
Pamela B, Margolis, Chairperson