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PART 1
SEWERS

A. Sanitary Sewers.

§ 18-101. Definitions. [Ord. 1992-6, 8/3/1992, Art. I; as amended by Ord. 2002-2, 6/14/2002, § 1]

Unless the context specifically and clearly indicates otherwise, the meanings of the terms and phrases used in this Part shall be as follows:

BUILDING SEWER — The extension from the sewage drainage system of any structure to the lateral of a sewer.

FOOD PREPARATION FACILITIES — Any establishment with kitchen facilities intended for any profitable, social, amusement, religious, educational, charitable or public purpose, including but not limited to restaurants, taverns, cafeterias, take-out stores, convenience stores, social halls and schools.

GREASE INTERCEPTOR — An appliance designed and manufactured for the purpose of separating and retaining grease, fat and oils from wastewater and allowing for the convenient disposal of said wastes as solid mass.

IMPROVED PROPERTY — Any property located within this Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharged.

INDUSTRIAL WASTES — Any solid, liquid or gaseous substance or water-borne wastes or form of energy rejected or escaping in the course of any

industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

LATERAL — That part of the sewer system extending from a sewer to the curblineline, or, if there shall be no curblineline, to the property line; or if no such lateral shall be provided, then "lateral" shall mean that portion of, or place in, a sewer which is provided for connection of a building sewer.

OWNER — Any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON — Any individual, partnership, company, association, society, trust, corporation or other group or entity.

PRETREATMENT or TREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater to a less-harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes or process changes or other means, except as prohibited by 40 CFR 403.6(d).

SANITARY SEWAGE — Normal water-carried household and toilet wastes discharged from any improved property.

SEWER — Any pipe, main or conduit constituting a part of the sewer system used or usable for sewage collection purposes.

SEWER SYSTEM — All facilities, as of any particular time, for collecting, transporting, pumping and disposing of sanitary sewage and industrial wastes, situate in or adjacent to this Township and owned by the Township.

SEWER USE RESOLUTION — A resolution regulating the use of public and private sewer and drains, private wastewater disposal, the installation and connection of building sewers and the discharge of water and wastes into the public sewer systems of the Township, fixing and charging sewer rates and other charges for use of the sewer systems, and providing penalties for violation thereof.

TOWNSHIP — The Township of Smithfield, Huntingdon County, Pennsylvania, a township of the second class in Huntingdon County, Commonwealth of Pennsylvania, acting by and through its Board of Supervisors or, in appropriate cases, acting by and through its authorized representatives.

§ 18-102. Use of Public Sewers Required. [Ord. 1992-6, 8/3/1992, Art. II; as amended by Ord. 1999-1, 6/14/1999]

1. The owner of an improved property benefited, improved or accommodated by a sewer shall connect such improved property with such sewer, in such manner as this Township or its authorized delegate may require, within 60 days after notice to such owner from this Township or its authorized delegate to make such connection, for the purpose of discharge of all sanitary sewage and industrial wastes from such improved property, subject to such limitations and restrictions as shall be established herein or as otherwise shall be or have been established by this Township from time to time, including those relating to requirements for direct and indirect contributors into the wastewater collection and treatment system for Smithfield Township.
2. All sanitary sewage and industrial wastes from any improved property, after connection of such improved property to a sewer shall be required under Subsection 1, shall be conducted into a sewer, subject to such limitations and restrictions as shall be established herein or as otherwise shall be established by this Township or its authorized delegate.
3. No person shall place or deposit or permit to be placed or deposited upon public or private property within this Township any sanitary sewage or industrial wastes in violation of Subsection 1. No person shall discharge or permit to be discharged to any natural outlet within this Township any sanitary sewage or industrial wastes in violation of Subsection 1, except where suitable treatment has been provided which is satisfactory to this Township and/or its authorized delegate.
4. Privy Vaults, Cesspools, Septic Tanks and Similar Receptacles Prohibited.
 - A. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or maintained at any time upon any improved property which has been connected to a sewer or which shall be required under Subsection 1 to be connected to a sewer.
 - B. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of this Township, shall be cleaned and filled at the expense of the owner of such improved property and under the direction and supervision of this Township or its authorized delegate; and any such privy vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by this Township or its authorized delegate, cleansed and filled shall constitute a nuisance, and such nuisance may be abated as provided by law, at the expense of the owner of such improved property.
5. No privy vault, cesspool, sinkhole, septic tank or similar receptacle at any time shall be connected with a sewer.

6. The notice by this Township or its authorized delegate to make a connection to a sewer, referred to in Subsection 1, shall consist of a copy of this Part, including any amendments and/or supplements at the time in effect, or a summary of each section hereof, and a written or printed document requiring the connection in accordance with the provisions of this Part and specifying that such connection shall be made within 60 days from the date such notice is given. Such notice may be given at any time after a sewer is in place which can receive and convey sanitary sewage and industrial wastes for treatment and disposal from the particular improved property. Such notice shall be served upon the owner either by personal service or by registered mail or by such other method as at the time may be provided by law.

§ 18-103. Building Sewers and Connections. [Ord. 1992-6, 8/3/1992, Art. III]

1. Except as otherwise provided in this subsection, each improved property shall be connected separately and independently with a sewer through a building sewer. Grouping of more than one improved property on one building sewer shall not be permitted, except under special circumstances and for good sanitary reasons or when other good cause is shown, and then only after special permission of this Township and/or its authorized delegate, in writing, shall have been secured.
2. All costs and expenses of construction of a building sewer and all costs and expenses of connection of a building sewer to a sewer shall be borne by the owner of the improved property to be connected; and such owner shall indemnify and save harmless this Township and/or its authorized delegate from all loss or damage that may be occasioned, directly or indirectly, as a result of construction of a building sewer or of connection of a building sewer to a sewer.
3. A building sewer shall be connected to a sewer at the place designated by the Township and where the lateral is provided. The invert of a building sewer at the point of connection shall be at the same or a higher elevation than the invert of the sewer. A smooth, neat joint shall be made, and the connection of a building sewer to the lateral shall be made secure and watertight.
4. If the owner of any improved property located in this Township and benefited, improved and accommodated by any sanitary sewer constituting part of the sewer system, after 60 days' notice from this Township or its authorized delegate, in accordance with § 102, Subsection 1, shall fail to connect such improved property, as required, this Township or its authorized delegate may make such connection and may collect from such owner the costs and expenses thereof. In such case, this Township or its authorized delegate shall forthwith, upon completion of the work, send an itemized bill of the cost of the construction of such connection to the owner of the improved property to which connection has been so made, which bill shall be payable forthwith. In case of neglect or refusal by the owner of such improved property to pay said bill, this Township, through its authorized delegate, shall file a municipal lien for said construction within six months of

the date of the completion of the construction of said connection, the same to be subject in all respects to the general law provided for the filing and recovery of municipal liens.

§ 18-104. Rules and Regulations Governing Building Sewers and Connections to Sewers. [Ord. 1992-6, 8/3/1992, Art. IV]

1. Where an improved property, at the time connection to a sewer is required, shall be served by its own sewage disposal system or device, the existing house sewer line shall be broken on the structure side of such sewage disposal system or device and attachment shall be made, with proper fittings, to continue such house sewer line as a building sewer.
2. No building sewer shall be covered until it has been inspected and approved by this Township and/or its authorized delegate. If any part of a building sewer is covered before so being inspected and approved, it shall be uncovered for inspection at the cost and expense of the owner of the improved property to be connected to a sewer.
3. Every building sewer of any improved property shall be maintained in a sanitary and safe operating condition by the owner of such improved property.
4. Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and all other public property disturbed in the course of installation of a building sewer shall be restored, at the cost and expense of the owner of the improved property being connected, in accordance with the ordinances of Smithfield Township, in a manner satisfactory to this Township.
5. If any person shall fail or refuse, upon receipt of a notice, in writing, from this Township and/or its authorized delegate to remedy any unsatisfactory conditions with respect to a building sewer, within 60 days of receipt of such notice, this Township and/or its authorized delegate may refuse to permit such person to discharge sanitary sewage and industrial wastes into the sewer system until such unsatisfactory conditions shall have been remedied to the satisfaction of this Township and/or its authorized delegate.
6. This Township reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to connections with a sewer and the sewer system, which additional rules and regulations, to the extent appropriate, and shall be construed as a part of this Part.

§ 18-105. Penalties. [Ord. 1992-6, 8/3/1992, Art. V; as amended by Ord. 1999-1, 6/14/1999]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner

provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§ 18-106. Declaration of Purpose. [Ord. 1992-6, 8/3/1992, Art. VIII]

It is declared that the enactment of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this Township.

B. Sewer Connection and Fees.

§ 18-111. Sewer Tap-In Fees. [Ord. 1985-4, 6/12/1985; as amended by Ord. 1987-10, 8/12/1987; by Ord. 1993-2, 12/6/1993, § 103; by Ord. 1999-1, 6/14/1999; and by Ord. 2005-2, 6/28/3005]

1. Connection Required. From and after the approval of this Part 1B, the owner of every property abutting or fronting upon a sanitary sewer within the said Township shall cause a connection to be made between the building erected upon said property and such sanitary sewer, and such connection shall be made under the supervision and direction of the Township Engineer or the Board of Supervisors of said Township, in accordance with the specifications and methods directed by such officer or officers, within 30 days from, the date of notice from the Board of Supervisors so to do; and if such connection be not made within said time, the Board of Road Supervisors, through its constituted officers and agents, shall have the right to make such connection, and the Township shall charge the same to the said property owner; and if the said bill be not paid within 60 days from the date of the mailing thereof to the property owner, the said Township shall have the right to enter a lien against the said property for the cost of making such connection, including materials and labor, which shall be in the nature of a municipal lien, subject to all the rights and proprieties thereof and so collectable according to law.
2. Permit. It shall be unlawful for any person to make a connection into a Township sewer without having first make application to the Board of Road Supervisors for a permit so to do, accompanied by the payment of a tappage fee as hereinafter stipulated.
3. Fees.
 - A. Fees shall be paid according to the following schedule:
 - (1) At the time an application is made for a sewer permit, the applicant shall pay an inspection fee of \$40 to the Township.

(2) Upon approval of the application but prior to the start of construction of the lateral and building sewer, the applicant shall pay to Smithfield Township the sewer connection fee in accordance with the following schedule:

(a) In accordance with Act 57 of 2003, the following three fees are authorized:

Component		Charge
Connection fee		Actual cost
Customer facilities fee		Actual cost
Tapping fee		
	Capacity part	\$288
	Collection part	\$744
	Special purpose part	As applicable
	Reimbursement component	As applicable
TOTAL TAPPING FEE		\$1,032 per EDU

PART 2

INDUSTRIAL PRETREATMENT REGULATIONS**A. General Provisions.****§ 18-201. Purpose and Policy. [Ord. 2009-1, 2/9/2009]**

1. This Part sets forth uniform requirements for users of the publicly owned treatment works of Smithfield Township and enables Smithfield Township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403). The Township has adequate authority under Section 2054 of the Township Code 53 P.S. § 47054, and Act 9 of 1992 to enact and implement this Part.
2. The objectives of this Part are:
 - A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation;
 - B. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works;
 - 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 wastewater and sludge from publicly owned treatment works;
 - E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the publicly owned treatment works; and
 - F. To enable Smithfield Township to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements and any other federal or state laws to which the publicly owned treatment works is subject.
3. This Part shall apply to all users of the publicly owned treatment works. This Part authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
4. This Part shall apply to the Township of Smithfield. The Township may, from time to time, delegate to the Borough of Huntingdon the authority and

responsibility to perform duties and functions required of the Township, its officials, employees and representatives, to administer, implement and enforce the provisions of this Part.

§ 18-202. Definitions. [Ord. 2009-1, 2/9/2009]

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

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

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

AUTHORIZED REPRESENTATIVE OF THE USER —

- A. If the user is a corporation:
- (1) A responsible corporate officer of the level of president, vice president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation; or
 - (2) The manager of one or more manufacturing, production or operation facilities, provided that the manager is authorized to make management decisions that govern the operation of the regulated facility, and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- B. A general partner or proprietor if the user is a partnership or proprietorship, respectively.
- C. A director or highest official appointed or designated (or his designee) to oversee the operation and performance of the activities of the facility if the user is a federal, state or local government facility.
- D. A duly authorized representative of the individual designated in Subsections A through C if:
- (1) The authorization is made in writing by the individual described above;
 - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facilities from which the indirect discharge originates or having overall responsibility for environmental matters for the company; and
 - (3) The written authorization is submitted to the Township.

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

BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions, five days at 20° C., usually expressed as a concentration, in milligrams per liter (mg/l).

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

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

BYPASS — The discharge of partially treated or untreated wastewater to the Township sewer system from any device or structure of a user's wastewater facilities due to a power failure, equipment failure, hydraulic overload and/or blockage in all or any part of the user's wastewater facilities.

COMPOSITE SAMPLE — The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of either time or flow.

CONTROL AUTHORITY — Smithfield Township.

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

DAILY MAXIMUM LIMIT — The maximum allowable discharge limit of a pollutant during a calendar day. Where the daily maximum limit is expressed in concentration, the daily maximum is the arithmetic average of all measurements taken that day. Where the daily maximum limit is expressed in mass, the daily maximum is the total mass discharged over the course of a calendar day.

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

ENVIRONMENTAL PROTECTION AGENCY (EPA) — The United States Environmental Protection Agency or, where appropriate, the Regional Water Protection Division Director or other duly authorized official of said agency.

EXISTING SOURCE — Any source of discharge, the construction or operation of which commenced prior to the publication by the EPA of proposed Federal Categorical Pretreatment Standards which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

FEDERAL CATEGORICAL PRETREATMENT STANDARD — Any regulations containing pollutant discharge limits promulgated by the EPA in accordance with Sections 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, §§ 405-471.

GRAB SAMPLE — A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

HOLDING TANK WASTE — Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

INDIRECT DISCHARGE — The discharge or the introduction of pollutants from any nondomestic source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. § 1317) into the POTW, including holding tank waste discharged into the sewer system.

INDUSTRIAL PRETREATMENT PROGRAM — A program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.

INDUSTRIAL USER — A source of indirect discharge.

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

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

INTERFERENCE — A discharge which, alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW, its treatment processes or operations or its sludge processes, use or disposal and therefore is a cause of a violation of the POTW's NPDES permit or of the prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. § 1345) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), including Title II, more commonly referred to as the

"Resource Conservation and Recovery Act (RCRA)," the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more-stringent state criteria, including those contained in any state sludge management plan prepared pursuant to Title IV (Subtitle D) of the SWDA applicable to the method of disposal or use employed by the POTW.

LOCAL LIMIT — Specific discharge limits developed and enforced by the Township upon commercial, industrial or institutional facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

MEDICAL WASTE — Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

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

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

NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD — Any regulation developed under the authority of Section 307(b) of the Act and set forth in 40 CFR 403.5.

NEW SOURCE —

- A. Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Federal Categorical Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:
- (1) The building, structure, facility or installation is constructed at a site on which no other source is located;
 - (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 is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated

with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection 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 definition, has commenced if the owner or operator has:
 - (1) Begun, or caused to begin, as part of a continuous on-site 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 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 loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

NONCONTACT COOLING WATER — Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

NONSIGNIFICANT CATEGORICAL INDUSTRIAL USER (NSCIU) — An industrial user subject to Federal Categorical Pretreatment Standards that is deemed not a significant industrial user, as defined in the definition of "significant industrial user" below, based on a finding that the industrial user never discharges more than 100 gallons per day (GPD) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Federal Categorical Pretreatment Standard), and the following conditions are met:

- A. The industrial user, prior to the Township's finding, has consistently complied with all applicable Categorical Pretreatment Standards and requirements.
- B. The industrial user annually submits the certification statement required in and under 40 CFR 403.12(q), together with any additional information necessary to support the certification statement.

- C. The industrial user never discharges any untreated concentrated wastewater.

NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS) —

A classification system pursuant to the North American Industry Classification System, United States, 2002 Manual, as amended, Office of Management and Budget.

PASS-THROUGH — A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit, including an increase in the magnitude or duration of a violation.

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. This definition includes all federal, state and local governmental entities.

pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, expressed in standard units, and indicates the degree of acidity or alkalinity of a solution.

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

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 wastewater (i.e., biochemical oxygen demand, chemical oxygen demand, color, odor, pH, temperature, total suspended solids, toxicity or turbidity).

POLLUTION — The man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POTW TREATMENT PLANT — That portion of the POTW designed to provide treatment to wastewater.

PRETREATMENT — The reduction of the amount of pollutants, the elimination of pollutants or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except as prohibited by 40 CFR 403.6(d).

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

PRETREATMENT STANDARDS — Prohibited discharge standards, Federal Categorical Pretreatment Standards and local limits.

PROHIBITED DISCHARGE STANDARDS or **PROHIBITED DISCHARGES** — absolute prohibitions against the discharge of certain substances; the prohibitions appear in § 211 of this Part.

PUBLICLY OWNED TREATMENT WORKS (POTW) — A treatment works, as defined by Section 212 of the Act (33 U.S.C. § 1292), which is owned by the Township. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in Section 502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such treatment works.

SANITARY SEWAGE — The wastewater from residential households and toilet facilities from institutions, commercial and industrial establishments.

SHALL — is mandatory; **MAY** is permissive.

SIGNIFICANT INDUSTRIAL USER —

- A. A user of the Township's POTW who:
- (1) Is subject to Federal Categorical Pretreatment Standards;
 - (2) Discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling water and boiler blowdown wastewater);
 - (3) Contributes a process waste stream which makes up 5% or more of the average dry-weather hydraulic or organic capacity of the POTW treatment plant;
 - (4) Has in his wastes toxic pollutants, as defined pursuant to Section 307 of the Act or Pennsylvania statutes and rules; or
 - (5) Is designated as such by the Township, Pennsylvania Department of Environmental Protection (DEP) or the United States Environmental Protection Agency (EPA) on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating a pretreatment standard or requirement.
- B. Upon a finding that a user meeting the criteria in Subsection A(2) through (5) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or

requirement, the Township may, at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR § 403.8(f)(6), determine that such user should not be considered a significant industrial user and may, in accordance with regulations at 40 CFR § 403.3(v), instead be considered a nonsignificant industrial user, as defined in the definition of "nonsignificant categorical industrial user" herein.

SLUG LOAD or SLUG DISCHARGE — Any discharge of a nonroutine, episodic nature, at a flow rate or concentration which could cause a violation of the prohibited discharge standards in § 211 of this Part, including but not limited to an accidental spill or noncustomary batch discharge which has a reasonable potential to cause interference or pass-through or in any other way to violate the Township Sewer Use Ordinance, local limits or wastewater discharge permit conditions.

STATE — The Commonwealth of Pennsylvania.

STORMWATER — Any flow occurring during or following any form of natural precipitation and resulting therefrom.

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

TOWNSHIP — Smithfield Township or the Smithfield Township Board of Supervisors of Huntingdon County, Pennsylvania.

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

USER — Any person who contributes, causes or permits the contribution of wastewater into the Township's POTW.

WASTEWATER — The liquid and water-carried industrial or domestic wastes from residential dwellings, commercial buildings, industrial and manufacturing facilities and institutions, whether treated or untreated, which are contributed to the POTW.

WATERS OF THE STATE — All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

§ 18-203. Abbreviations. [Ord. 2009-1, 2/9/2009]

The following abbreviations shall have the designated meanings:

BMP	Best management practices
BMR	Baseline monitoring report
BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Department of Environmental Protection (Pennsylvania)
EPA	Environmental Protection Agency (United States)
gpd	Gallons per day
l	Liter
LEL	Lower explosive limit
mg	Milligrams
mg/l	Milligrams per liter
MSDS	Material safety data sheet
NAICS	North American Industry Classification System
NOV	Notice of violation
NPDES	National Pollutant Discharge Elimination System
NSCIU	Nonsignificant categorical industrial user
O&M	Operation and maintenance
POTW	Publicly owned treatment works
RCRA	Resource Conservation and Recovery Act
SIU	Significant industrial user
SNC	Significant noncompliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. § 6901 et seq.
TSCA	Toxic Substances Control Act, 15 U.S.C. § 2601 et seq.
TSS	Total suspended solids
U.S.C.	United States Code

B. Regulations.**§ 18-211. General Discharge Prohibitions. [Ord. 2009-1, 2/9/2009]**

1. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to Federal Categorical Pretreatment Standards or any other federal, state or local pretreatment standards or requirements. A user may not contribute the following substances to the POTW:
 - A. Any liquids, solids, or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW, including but not limited to waste streams with a closed-cup flash point of less than 140° F. or 60° C., using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5%, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Except as otherwise provided by the Township, prohibited materials include but are not limited to: gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which is a fire hazard or a hazard to the sewer system.
 - B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as but not limited to: grease, garbage with particles greater than 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, wastepaper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, and glass grinding or polishing wastes.
 - C. Grease or oil interceptors shall be provided by the user when, in the opinion of the Township, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, except that such interceptors shall not be required for residential users. All interceptors shall be of a type and capacity approved by the Township and shall be so located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for proper removal and disposal, by appropriate means, of the captured material and shall maintain records of the dates and means of disposal, which are subject to

review by the Township. Any removal and hauling of the collected materials not performed by owner's (owners') personnel must be performed by currently licensed waste disposal firms.

- D. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass-through.
- E. Pollutants which will cause corrosive structural damage to the POTW, but in no case shall the wastewater pH be less than 5.0 or more than 11.5.
- F. Any wastewater containing toxic pollutants in sufficient quantity which, either singly or by interaction with other pollutants, may injure or interfere with any wastewater treatment process, may constitute a hazard to humans or animals, may create a toxic effect in the receiving waters of the POTW, or exceeds the limitations set forth in a Federal Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.
- G. Any noxious or malodorous liquids, gases or solids which, either singly or by interaction with other wastes, are sufficient in quantity to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance or repair.
- H. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation or reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or state criteria applicable to the sludge management method being used.
- I. Any substance which will pass through and, as a result, cause the POTW to violate its NPDES permit or the receiving water quality standards.
- J. Any 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 impart color to the POTW treatment plant's effluent, thereby causing violations of the POTW's NPDES permit.
- K. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the POTW to exceed 40° C. or 104° F.

- L. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which cause interference to the POTW.
 - M. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township in compliance with applicable state or federal regulations.
 - N. Medical wastes, except as specifically authorized by the Township in a wastewater discharge permit.
 - O. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
 - P. Any wastewater which causes a hazard to human life or creates a public nuisance.
 - Q. Any stormwater, surface water, groundwater, Artesian well water, roof run-off, subsurface drainage, swimming pool drainage, cooling water, unpolluted industrial or nonresidential process water. The discharge of cooling water from air-conditioning units with cooling towers or recirculating systems or from air-conditioning units using flow-through or unrecirculating systems is prohibited.
 - R. No trucked or hauled wastes except by special agreement with the Township.
2. When the Township determines that a user is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the POTW, the Township shall advise the user of the impact of the contribution on the POTW and shall take necessary action to eliminate the interference. Subpart E of this Part provides the appropriate enforcement responses.

§ 18-212. Federal Categorical Pretreatment Standards. [Ord. 2009-1, 2/9/2009]

Upon promulgation of a Federal Categorical Pretreatment Standard under Section 307 of the Clean Water Act for a particular industrial subcategory, the Federal Categorical Pretreatment Standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall supersede the limitations imposed by the Township. The Federal Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, §§ 405-471, are hereby incorporated into this Part. The Township shall notify all affected significant industrial users of the applicable reporting requirements as required by 40 CFR 403.12.

- A. When regulated waste streams subject to Federal Categorical Pretreatment Standards, are mixed with unregulated waste streams, the Township may impose alternate limits using the combined waste stream formula found in 40 CFR 403.6(e).

- B. Where a Federal Categorical Pretreatment Standard is expressed only in terms of either mass or concentration for a pollutant, the Township may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- C. When the limits in a Federal Categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, an industrial user may request that the Township convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Township. The Township may establish equivalent mass limits only if the industrial user meets all of the conditions outlined in 40 CFR 403.6(c)(5) as set forth below:
- (1) To be eligible for equivalent mass limits, the industrial user must:
 - (a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit.
 - (b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Federal Categorical Pretreatment Standard and not have used dilution as a substitute for treatment.
 - (c) Provide sufficient information to establish the facility's actual average daily flow rate for all waste streams, based on data from a continuous effluent flow-monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions.
 - (d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the discharge.
 - (e) Have consistently complied with all applicable Federal Categorical Pretreatment Standards during the period prior to the industrial user's request for equivalent mass limits.
 - (2) An industrial user subject to equivalent mass limits must:
 - (a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits.
 - (b) Continue to record the facility's flow rates through the use of a continuous effluent flow-monitoring device.
 - (c) Continue to record the facility's production rates and notify the Township whenever production rates are expected to vary by

more than 20% from its baseline production rates determined in Subsection C(1)(c) of this section. Upon notification of a revised production rate, the Township will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility.

- (d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to Subsection C(1)(a) and C(2)(a) of this section so long as it discharges under an equivalent mass limit.
- (3) When developing equivalent mass limits, the Township:
- (a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the industrial user by the concentration-based daily maximum and monthly average standard for the applicable Federal Categorical Pretreatment Standard and the appropriate unit conversion factor;
 - (b) Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
 - (c) May retain the same equivalent mass limit in subsequent individual wastewater discharge permit terms if the industrial user's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to § 217 of this Part. The industrial user must also be in compliance with § 263, Subsection 2, of this Part.
- (4) The Township may not express limits in terms of mass for pollutants such as pH, temperature, radiation, or other pollutants which cannot appropriately be expressed as mass.
- D. The Township may convert the mass limits of Federal Categorical Pretreatment Standards at 40 CFR 414, 419 and 455 to concentration limits for purposes of calculating limitations applicable to individual industrial users. When converting such limits to concentration limits, the Township will use the concentrations listed in the applicable subparts of 40 CFR 414, 419 and 455 and document that dilution is not being substituted for treatment as stated in § 217 of this Part.
- E. A user may obtain a variance from a Federal Categorical Pretreatment Standard if the user proves, pursuant to 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the Federal Categorical Pretreatment Standard.

- F. A user may obtain a net gross adjustment to a Federal Categorical Pretreatment Standard in accordance with 40 CFR 403.15. Federal Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the user's intake water.
- G. Where there is a conflict between federal, state or local pretreatment standards and requirements, the more-stringent pretreatment standard and requirements shall apply.

§ 18-213. Modification of Federal Categorical Pretreatment Standards. [Ord. 2009-1, 2/9/2009]

Where the Township's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the Township may apply to the approval authority for modifications of specific limits in the Federal Categorical Pretreatment Standards. Appendixes G-I and G-II contained in 40 CFR 403.7 list those pollutants that are eligible for removal credits. Removal credits are only available for the various use and disposal practices regulated under the 40 CFR 503 sludge regulations. "Consistent removal" shall mean the 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 95% of the samples taken when measured according to the procedures set forth in 40 CFR 403.7(c). The Township may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

§ 18-214. Local Limits. [Ord. 2009-1, 2/9/2009]

Local limits for pollutants of concern may be established by resolution of the Smithfield Township Board of Supervisors to protect against pass-through and interference and to protect the sludge quality. Local limits may be allocated on an individual basis to the industrial users through a wastewater discharge permit issued pursuant to § 242 of this Part. The Township may continue to develop these limits as necessary and effectively enforce such limits. The Township may develop best management practices (BMPs) by resolution, ordinance, or individual wastewater discharge permits to implement local limits and the prohibited discharge standards in § 211 of this Part.

§ 18-215. State Requirements. [Ord. 2009-1, 2/9/2009]

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

§ 18-216. Township's Right of Revision. [Ord. 2009-1, 2/9/2009]

The Township reserves the right to establish, by ordinance or in wastewater discharge permits, more-stringent limitations or requirements on discharges to the POTW if deemed necessary and appropriate to comply with the objectives presented in this Part.

§ 18-217. Dilution. [Ord. 2009-1, 2/9/2009]

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 the limitations contained in the Federal Categorical Pretreatment Standards or with any other pretreatment standard or requirement. The Township 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 limits is appropriate.

§ 18-218. Pretreatment Facilities. [Ord. 2009-1, 2/9/2009]

1. Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits and the prohibitions set out in § 211 of this Part. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review and shall be acceptable to the Township before construction of the facility. The Township does not, by its acceptance of any of the designs or installations of the plans and equipment, or of any other information or plans submitted by the user, warrant or aver in any manner that the user's implementation of such measures will result in compliance with applicable pretreatment standards and requirements. Notwithstanding any acceptance of such plans by the Township, the user remains solely responsible for compliance with applicable pretreatment standards and requirements and all other federal, state and local requirements. The review of such plans and operating procedures in no way relieves the user from the responsibility of modifying the facility as necessary to produce an acceptable discharge to the POTW under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Township prior to the user's initiation of the changes.
2. The user shall at all times properly operate and maintain all pretreatment facilities and systems of treatment and control (and related appurtenances) which are installed or used by the user to achieve compliance with pretreatment standards and requirements. This includes adequate laboratory controls and appropriate quality assurance procedures, the operation of backup or auxiliary facilities, or similar systems which are installed by the user only when the operation is necessary to achieve compliance. Except as provided by § 263, Subsection 2 of this Part, the intentional diversion of waste streams from any portion of the user's treatment facility is prohibited.

§ 18-219. Additional Pretreatment Requirements. [Ord. 2009-1, 2/9/2009]

Whenever the Township deems it necessary, the Township may require a user to restrict its discharge during peak flow periods; to discharge at a consistent flow rate; to discharge certain industrial wastewaters only into specific sewers; to

relocate and/or consolidate points of discharge; to separate domestic wastewater from industrial wastewater; and to perform and maintain such other conditions as may be necessary to protect the POTW and to determine the user's compliance with the requirements of this Part.

§ 18-220. Grease Traps and Grease Interceptor Requirements. [Ord. 2009-1, 2/9/2009]

1. The Township may require any existing food service establishment and shall require all new food service establishments to install grease traps or grease interceptors, subject to such terms and conditions as deemed necessary by the Township to protect the sewer system and the wastewater treatment facility from excessive amounts of fats, oils and grease (FOG). Among the factors to be considered by the Township is whether the user's discharge has the potential to obstruct the flow in the sewer system or to interfere with the operation of the wastewater treatment facility.
2. Sizing of grease interceptors is based on wastewater flow and grease-retention capacity. Indoor grease traps shall be designed in accordance with the Plumbing and Drainage Institute Standard, PDI-G101. If feasible, a grease interceptor shall be placed outside the building instead of an inside grease trap. The minimum size grease interceptor required is 1,000 gallons. Interceptors can be installed in series if greater capacity is needed. Grease interceptors shall be constructed of impervious materials capable of withstanding abrupt or extreme changes of temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight. Other design considerations shall include but are not limited to the following: minimum of two compartments, each with its own manhole, and a center baffle to allow floating of FOG and settling of solids; inlet and outlet on grease interceptor shall be properly baffled; flow control devices; manholes finished to grade to allow easy access for proper maintenance; cleanout on outlet side of interceptor; inaccessibility to insects and vermin; and installation of sample vault with hydraulic pump on discharge side of interceptor.
3. Grease traps and grease interceptors shall be located in the service lateral line between all fixtures that may introduce FOG into the sewer system and the service connection to the sewer system. Such fixtures include but are not limited to sinks, dishwashers, garbage disposals, automatic hood wash units, floor drains in food preparation and storage areas, and any other fixture that may be a potential source of FOG. Indoor grease traps will not be approved for food service establishments that are equipped with dishwashers or garbage disposals. The trap/interceptor size, type of construction, and the location of the installation shall be acceptable to the Township prior to installation.
4. Grease traps and grease interceptors shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. To maintain

grease traps and grease interceptors in a continuously efficient operation at all times, the owner shall be responsible for the proper removal and disposal of the captured material and shall maintain records which include dates of maintenance, person performing maintenance, estimated volume of FOG removed, hauler receipts or manifests, disposal locations and facility manager's verification. The frequency of cleaning shall be as specified by the trap/interceptor manufacturer, based on the size of the food service establishment and the type of food served, whichever is more stringent. Such records are subject to review by the Township. Township personnel may make periodic inspections of the installed facilities and associated records to assure proper operation, maintenance and disposal procedures are being practiced.

§ 18-221. Oil/Water Separator Requirements. [Ord. 2009-1, 2/9/2009]

1. Oil/water separators shall be installed at existing automotive repair facilities and car washes if the potential exists for petroleum oils to be discharged to the sewer system via floor drains. New facilities of this type are prohibited from installing floor drains that are connected to the sewer system. The type and size of oil/water separator shall be determined by the owner and shall be acceptable to the Township prior to installation.
2. Oil/water separators shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. The owner shall be responsible for the proper removal and disposal of the captured material from oil/water separators and shall maintain records of the dates and means of disposal. Such records are subject to review by the Township. Township personnel may make periodic inspections of the installed facilities and associated records to assure proper operation, maintenance and disposal procedures are being practiced.

§ 18-222. Accidental Discharge/Slug Discharge Control Plan. [Ord. 2009-1, 2/9/2009]

1. Each user shall provide protection from accidental and slug discharges of prohibited materials or other substances regulated by this Part. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Township for review and shall be approved by the Township before construction of the facility. All users shall be evaluated for the necessity for an accidental discharge/slug control plan by the Township in accordance with requirements found at 40 CFR 403.8(f)(2)(vi). The Township may require any user to develop, submit for approval, and implement such plan and take such other action that may be necessary to control slug discharges. All industrial users are required to notify the POTW immediately of any changes at its facility affecting potential for a slug

discharge. An accidental discharge/slug discharge control plan shall address, at a minimum, the following requirements:

- A. Description of discharge practices, including nonroutine batch discharges;
 - B. Description of stored chemicals and material safety data sheets (MSDS);
 - C. Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by § 245, Subsection 1 of this Part.
 - 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, and measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.
2. No user who commences contribution to the POTW after the effective date of this Part shall be permitted to introduce pollutants into the system until the accidental or slug discharge procedures have been approved by the Township. Review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify its facility, as necessary, to meet the requirements of this Part. It is the responsibility of the user to immediately telephone and notify the POTW of any accidental or slug discharge incident or any discharge that may cause potential problems for the POTW.
 3. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions.
 4. Within five days following an accidental or slug discharge, or any discharge that may cause potential problems for the POTW, the user shall submit to the Township a detailed written report describing the cause of the discharge and the measures to be taken by the user to mitigate and prevent any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, aquatic life or any other damages to person or property. Such report shall not relieve the user of any fines, civil penalties or other liability which may be imposed by this Part or other applicable law. This written report shall be signed by an authorized representative of the user.
 5. 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 dangerous discharge. Employers shall ensure that all employees who may cause such a dangerous discharge to occur are advised of the emergency notification procedures.

C. Fees.**§ 18-231. Purpose. [Ord. 2009-1, 2/9/2009]**

It is the purpose of this section to provide for the recovery of costs from users of the Township's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Township's Schedule of Charges and Fees.

§ 18-232. Charges and Fees. [Ord. 2009-1, 2/9/2009]

1. The Township may adopt charges and fees which may include:
 - A. Fees for reimbursement of costs for setting up and operating the Township's pretreatment program, including but not limited to legal and engineering costs;
 - B. Fees for sampling, monitoring, inspections and surveillance procedures;
 - C. Fees for reviewing accidental discharge procedures and construction;
 - D. Fees for permit applications;
 - E. Fees for filing appeals;
 - F. Fees for consistent removal by the Township's POTW of pollutants over and above the limitations specified herein and/or pollutants otherwise subject to Federal Categorical Pretreatment Standards; and
 - G. Other fees the Township may deem necessary to carry out the requirements contained herein.
2. These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the Township.

D. Administration.**§ 18-241. Wastewater Survey. [Ord. 2009-1, 2/9/2009]**

When requested by the Township, a user shall submit information on the nature and characteristics of its wastewater by completing a wastewater survey questionnaire within 30 days of the request. The Township is authorized to prepare a form for this purpose and may periodically require users of the Township sewer system to update the survey. Failure to complete the wastewater survey questionnaire shall be reasonable grounds for terminating service to the user and shall be considered a violation of this Part.

§ 18-242. Wastewater Discharge Permit. [Ord. 2009-1, 2/9/2009]

1. General. All significant industrial users proposing to connect or contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall apply for a wastewater discharge permit within 30 days after the effective date of this Part. The Township may require other users to obtain wastewater discharge permits, as necessary, to carry out the purposes of this Part.
2. Permit application.
 - A. Users required to obtain a wastewater discharge permit shall complete and file with the Township an application in the form prescribed by the Township. In support of the application, the user shall submit, in units and terms appropriate for evaluation, information including but not limited to the following:
 - (1) Name, address, and location.
 - (2) NAICS number, according to the North American Industry Classification System, United States, 2002 Manual, Office of Management and Budget.
 - (3) Description of activities, facilities and plant processes on the premises, including all materials used or stored at the facility which are or could be discharged to the POTW.
 - (4) Water usage and disposal.
 - (5) Time and duration of contribution.
 - (6) Average daily and thirty-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
 - (7) Each product produced by type, amount, process or processes, and rate of production.
 - (8) Type and amount of raw materials processed.
 - (9) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
 - (10) Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR 136, as amended.

- (11) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation.
- (12) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, state or federal pretreatment standards and requirements, and a statement regarding whether or not the pretreatment standards and requirements are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards and requirements. This statement shall be signed and certified in accordance with Subsection 2A(15) of this section.
- (13) If additional pretreatment and/or O&M will be required to meet the pretreatment standards and requirements, the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standards and requirements. A compliance schedule shall meet the requirements set out in § 243, Subsection 2, of this Part.
- (14) Any other information as may be deemed by the Township to be necessary to evaluate the permit application.
- (15) The permit application shall be signed by an authorized representative of the user and certified to by a qualified professional.

B. The Township will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Township will determine whether or not to issue a wastewater discharge permit, subject to the terms and conditions provided herein. The Township may deny any application for a wastewater discharge permit.

3. General Permits.

A. At the discretion of the Township, the Township may use general permits to control IU discharges to the POTW if the following conditions are met. All facilities to be covered by a general permit must:

- (1) Involve the same or substantially similar types of operations;
- (2) Discharge the same types of wastes;
- (3) Require the same effluent limitations;

- (4) Require the same or similar monitoring; and
 - (5) In the opinion of the Township, be more appropriately controlled under a general permit than under individual wastewater discharge permits.
 - B. To be covered by the general permit, the IU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any request in accordance with § 243, Subsection 4F, of this Part for a monitoring waiver for a pollutant neither present nor expected to be present in the discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Township has provided written notice to the IU that such a waiver request has been granted in accordance with § 243, Subsection 4F, of this Part.
 - C. The Township will retain a copy of the general permit, documentation to support the Township's determination that a specific IU meets the criteria in Subsection 3A(1) through (5) above, and a copy of the IU's written request for coverage for three years after the expiration of the general permit.
 - D. The Township may not control an IU through a general permit where the facility is subject to production-based Federal Categorical Pretreatment Standards or Federal Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for IUs whose limits are based on the combined waste stream formula or net/gross calculations.
4. Signatories and Certification.
 - A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver.
 - (1) All wastewater discharge permit applications, user reports and initial monitoring waivers shall be signed by an authorized representative of the user and shall contain the following certification statement:

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

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

- B. Annual Certification for Nonsignificant Categorical Industrial Users. A facility determined to be a nonsignificant categorical industrial user pursuant to 40 CFR 403.3(v)(2) must annually submit the following certification statement, signed in accordance with the signatory requirements in 40 CFR 403.12(1). This certification must accompany an alternative report required by the Township:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Federal Categorical Pretreatment Standards under 40 CFR _____, I certify that, to the best of my knowledge and belief, during the period from _____, _____, to _____, _____ [month, day, year], the facility described as _____ [facility name] met the definition of a nonsignificant categorical industrial user as described in 40 CFR 403.3(v)(2) and complied with all applicable pretreatment standards and requirements during this reporting period. I further certify that the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance information is based upon the following information:_____

- C. Certification of Pollutants Not Present. Users that have an approved monitoring waiver based on § 243, Subsection 4F, of this Part shall certify on each report using the following statement that there has been no increase in the pollutant in its waste stream due to activities of the user.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Federal Categorical Pretreatment Standard for 40 CFR _____. 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 § 243 of the Huntingdon Township Sewer Use Ordinance.

5. Permit Conditions. Wastewater discharge permits shall be expressly subject to all provisions of this Part and all other applicable regulations, user charges and fees established by the Township. Permits shall contain the following:
 - A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to the sewer system.
 - B. Limits on the average and maximum wastewater constituents and characteristics, including best management practices, based on applicable pretreatment standards and requirements. Such BMPs shall be considered local limits and pretreatment standards and requirements for the purposes of 40 CFR 403 and Section 307(d) of the Act.
 - C. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
 - D. Requirements for installation and maintenance of inspection and sampling facilities.
 - E. Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules.
 - F. The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with § 423, Subsection 4F, of this Part.
 - G. Statement of applicable administrative, civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedules. Such schedules may not extend the compliance date beyond that required by applicable federal, state or local deadlines.
 - H. Requirements for submission of technical reports or discharge reports.
 - I. Requirements for prior notification to the Township of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

- J. Requirements to control slug discharges.
- K. Requirements for development of an accidental discharge/slug discharge control plan, as necessary.
- L. Any grant of the monitoring waiver by the Township, such as for pollutants not present as described in § 423, Subsection 4F, of this Part, must be included as a condition in the user's permit.
- M. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- N. 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 POTW.
- O. A statement that compliance with the wastewater discharge permit does not relieve the permittee of the responsibility for compliance with all applicable pretreatment standards and requirements, including those that become effective during the term of the wastewater discharge permit.
- P. Wastewater discharge permits shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than one year, at the discretion of the Township. Each wastewater discharge permit shall include a specific date upon which it will expire.
- Q. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred or sold to a new owner, new user, different premises, or a new or changed operation without the written approval of the Township.
 - (1) The permittee must give at least 30 days' advance notice to the Township. Failure to provide advance notice of a transfer renders the wastewater discharge permit voidable as of the date of the facility transfer.
 - (2) The notice shall include a written notarized certification by the new owner which:
 - (a) States that the new owner has no immediate intent to change the facility's operations or processes;
 - (b) Identifies the specific date on which the transfer is to occur; and

- (c) Acknowledges full responsibility for complying with the existing permit.

- R. Other conditions as deemed necessary by the Township to ensure compliance with this Part.

- 6. **Public Notification.** The Township may publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction of the POTW a notice of intent to issue a wastewater discharge permit at least 14 days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.

- 7. **Permit Appeals.** The Township will provide interested parties with notice of final wastewater discharge permit decisions. Upon notice by the Township, any person, including the permittee, may petition to appeal the terms of the wastewater discharge permit in writing within 30 days of the notice.
 - A. Failure to submit a petition for review shall be deemed a waiver of the appeal.

 - B. In the petition, the permittee must indicate the permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to be placed in the permit.

 - C. The effectiveness of the permit shall not be stayed pending reconsideration by the Township. If, after reviewing the petition and any arguments, the Township determines that reconsideration is appropriate, the Township shall remand the permit for reissuance.

 - D. A Township decision not to reconsider a final permit shall be considered a final administrative action for purposes of judicial review.

 - E. The permittee seeking judicial review of the Township's final action must do so by filing a complaint with the Court of Common Pleas for Huntingdon County within 30 days.

- 8. **Modifications.**
 - A. The terms and conditions of the wastewater discharge permit may be subject to modification by the Township during the term of the permit. These reasons include but are not limited to the following:
 - (1) To incorporate any new or revised federal, state or local pretreatment standards or requirements;

 - (2) To address any changes in the permittee's operation, process or discharge characteristics;

- (3) Information indicating that the permitted discharge poses a threat to the Township's collection and treatment facilities, personnel or receiving waters;
 - (4) Violation of any terms or conditions of the wastewater discharge permit;
 - (5) Misrepresentation or failure, upon the permittee's part, to disclose fully all relevant facts in the permit application or any required reporting;
 - (6) To correct typographical or other errors in the wastewater discharge permit;
 - (7) To reflect transfer of facility ownership and/or operation to a new owner/operator; or
 - (8) Upon request by the permittee, provided that such request does not create a violation of any applicable requirements, standards, laws, rules and regulations.
- B. The permittee shall be informed of any proposed changes in his wastewater discharge permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the Township. The filing of a request by the permittee for a permit modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.
9. Permit Termination. Wastewater discharge permits may be terminated for good cause, including but not limited to the following reasons:
- A. Failure to notify the Township of significant changes to the wastewater characteristics or constituents prior to a changed discharge;
 - B. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
 - C. Falsifying monitoring reports and certification statements;
 - D. Tampering with monitoring equipment;
 - E. Refusing to allow timely access to the facility premises and records;
 - F. Failure to meet effluent limitations;
 - G. Failure to pay fines;
 - H. Failure to pay sewer charges;

- I. Failure to meet compliance schedules;
 - J. Failure to complete a wastewater survey questionnaire or a wastewater discharge permit application;
 - K. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
 - L. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Part.
10. Permit Reissuance. The permittee shall apply for permit reissuance a minimum of 90 days prior to the expiration of the permittee's existing wastewater discharge permit. If the wastewater discharge permit is not reissued by the Township prior to its expiration date, the conditions of the existing permit shall continue until such time that a new permit is issued by the Township, though not to exceed 90 days.

§ 18-243. Reporting Requirements. [Ord. 2009-1, 2/9/2009]

1. Baseline Monitoring Report (BMR). Within either 180 days after the effective date of a Federal Categorical Pretreatment Standard, or the final administrative decision of a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical significant industrial users currently discharging to or scheduled to discharge to the POTW shall submit a BMR to the Township. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical SIUs subsequent to the promulgation of an applicable Federal Categorical Pretreatment Standard, shall be required to submit a BMR. A new source shall also report the method of pretreatment it intends to use to meet applicable Federal Categorical Pretreatment Standards and provide estimates of its anticipated flows and quantity of pollutants discharged. Categorical SIUs shall submit the following information for a BMR:
 - A. The name and address of the facility, including the name of the operator and owner.
 - B. A list of any environmental control permits held by or for the facility.
 - C. A brief description of the nature, average rate of production and North American Industry Classification System (NAICS) number(s) of the operation(s) carried out by such user. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - D. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process waste streams and other waste streams, as necessary, to allow use of the combined waste stream formula as established in 40 CFR 403.6(e).

- E. The Federal Categorical Pretreatment Standards applicable to each regulated process and the results of sampling and analysis of the regulated pollutants for each regulated waste stream. Instantaneous, daily maximum and long-term average concentrations shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures established in 40 CFR 136. Sampling shall be performed in accordance with techniques approved by EPA.
 - F. A certification statement indicating whether pretreatment standards and requirements are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
 - G. If additional pretreatment and/or O&M will be required to meet the pretreatment standards and requirements, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard or requirement. A compliance schedule shall meet the requirements set forth in § 243, Subsection 2 of this Part.
 - H. All BMRs shall be signed and certified in accordance with § 243, Subsection 4A, of this Part.
 - I. In cases where the pretreatment standard or requirement requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation required by the Township or the pretreatment standard or requirement necessary to determine compliance status of the user.
2. Compliance Schedule Progress Report. The following conditions shall apply to the schedule required by § 242, Subsection 2A(3) and § 243, Subsection 1G, of this Part:
- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards and requirements (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 initiating operation).
 - B. No increment referred to in Subsection 2A of this section shall exceed nine months.
 - C. The user shall submit a progress report to the Township no later than 14 days following each date in the schedule and the final date of

compliance, including whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the user to return to the established schedule.

- D. No more than nine months shall elapse between the dates on which such progress reports are provided to the Township.
3. Reports on Compliance with Federal Categorical Pretreatment Standards. Within 90 days following the date for final compliance with applicable pretreatment standards and requirements or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Township a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements and the average and maximum daily flow for these process units in the user facility which are limited by such pretreatment standards and requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards or requirements. This report shall be signed and certified in accordance with § 242, Subsection 4A, of this Part. In cases where the pretreatment standard or requirement requires compliance with a best management practice or pollution-prevention alternative, the user shall submit documentation required by the Township or the pretreatment standard or requirement necessary to determine compliance status of the user.
 4. Periodic Compliance Reports.
 - A. Except as specified in Subsection 4G of this section, all significant industrial users subject to a pretreatment standard or requirement after the compliance date of such pretreatment standard or requirement, or, in the case of a new source, after commencement of the discharge to the POTW, shall submit to the Township during the months of June and December, unless required more frequently in the pretreatment standard or requirement or by the Township, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards and requirements. Both daily maximum and average concentrations shall be reported. In cases where the pretreatment standard or requirement requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation required by the Township or the pretreatment standard or requirement necessary to determine compliance status of the user. In addition, this report shall include a record of the measured average daily and maximum daily flows.

- B. At the discretion of the Township and in consideration of such factors as local high and low flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.
- C. This report shall be signed and certified in accordance with § 242, Subsection 4A of this Part.
- D. The Township may impose mass limitations on users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required in previous subsections of this section shall indicate the mass of pollutants regulated by pretreatment standards and requirements in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Township, of pollutants contained therein which are limited by the applicable pretreatment standards and requirements. The frequency of monitoring shall be as prescribed in the applicable pretreatment standard or requirement or by the Township.
- E. Categorical SIUs subject to equivalent mass or concentration limits established by the Township in accordance with 40 CFR 403.6(c) shall include a reasonable measure of the categorical SIU's long-term production rate in the periodic compliance report. Categorical SIUs subject to Federal Categorical Pretreatment Standards, which are expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), shall include the categorical SIU's actual average production rate for the reporting period in the compliance report.
- F. The Township may authorize an IU subject to a Federal Categorical Pretreatment Standard to forgo sampling of a pollutant regulated by a Federal Categorical Pretreatment Standard if the IU has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the discharge or is only present at background levels from intake water and without any increase in the pollutant due to activities of the IU, as subject to the conditions in 40 CFR 403.12(e). 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 a facility, provided that the sanitary wastewater is not regulated by an applicable Federal Categorical Pretreatment Standard and otherwise includes no process wastewater.

- (2) The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than five years. The user must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit.
- (3) In making a demonstration that a pollutant is not present, the IU 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 the definition of "authorized representative of the user" in § 202 of this Part and include the certification statement in § 242, Subsection 4A of this Part for the initial waiver and include the certification statement in § 242, Subsection 4C, of this Part for subsequent approved waivers.
- (5) Nondetectable sample results may be used only as a demonstration that a pollutant is not present if the EPA-approved method from 40 CFR 136 with the lowest minimum detection level for that pollutant is used for the analysis.
- (6) Any grant or a monitoring waiver by the Township must be included as a condition of the user's wastewater discharge permit. The reasons supporting the waiver and any information submitted by the user in its request for the waiver must be maintained by the Township for three years after expiration of the waiver.
- (7) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur with the user's operations, the user must immediately comply with the monitoring requirements of § 243, Subsection 4A, of this Part or other more-frequent monitoring requirements imposed by the Township. In such cases, the user shall notify the Township.

G. Reduced Reporting.

- (1) The Township may reduce the requirement for periodic compliance reports to a requirement to report no less frequently than once a year, unless required more frequently in a pretreatment standard or requirement or by the EPA, where the user's total categorical wastewater flow does not exceed any of the following conditions:

- (a) Greater than 0.01% of the POTW's design dry-weather hydraulic capacity of the POTW treatment plant, or 5,000 GPD, whichever is smaller;
 - (b) Greater than 0.01% of the POTW's design dry-weather organic capacity of the POTW treatment plant; and
 - (c) Greater than 0.01% of the maximum allowable headworks loading for any pollutant regulated by the applicable Federal Categorical Pretreatment Standard for which approved local limits are developed, in accordance with § 214 of this Part.
- (2) Reduced reporting is not available to IUs that have been in significant noncompliance during the last two years, as defined § 252 of this Part. In addition, reduced reporting is not available to IUs with daily flow rates, production levels or pollutant levels that vary so significantly that, in the opinion of the Township, decreasing the reporting requirement for this type of IU results in data that are not representative of conditions occurring during the reporting period.

§ 18-244. Report of Changed Conditions. [Ord. 2009-1, 2/9/2009]

1. Each user, whether permitted or not, must notify the Township in writing 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 30 days before the change occurs. For purposes of this requirement, significant changes include but are not limited to flow increases of 10% or greater and the discharge of any previously unreported pollutants. The user may be required to submit information to the Township as may be deemed necessary to evaluate the changed condition. The Township may then issue a new wastewater discharge permit or modify an existing wastewater discharge permit as directed under § 242 of this Part, as applicable.
2. No user shall implement the planned changed condition(s) until and unless the Township has responded to the user's notice. The Township may require the user to undertake a compatibility study to demonstrate to the satisfaction of the Township that the wastewater to be discharged is compatible with the POTW, will not affect any requirements imposed upon the Township (including sludge disposal requirements), and will not adversely affect the POTW.

§ 18-245. Report of Potential Problems. [Ord. 2009-1, 2/9/2009]

1. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a slug discharge or slug load, which may cause pass-through or interference or affect sludge quality at the POTW, the user shall

immediately notify the Township of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user. The notification hereunder does not authorize or otherwise condone a discharge in violation of this Part, a wastewater discharge permit, or other applicable federal, state or local requirements.

2. Within five days following such discharge, the user shall, unless waived by the Township, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, damage, loss 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, civil penalties or other liability which may be imposed by this Part or other applicable law. This written report shall be signed by an authorized representative of the user.
3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Subsection 1 of this section. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedures.
4. Industrial users are required to notify the Township immediately of any changes at their facility affecting the potential for a slug discharge.

§ 18-246. Notification of Hazardous Waste Discharge. [Ord. 2009-1, 2/9/2009]

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and the DEP waste management authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261.
 - A. Such notification shall include:
 - (1) The name of the hazardous waste as set forth in 40 CFR 261;
 - (2) The EPA hazardous waste identification number; and
 - (3) The type of discharge (continuous, batch or other).
 - B. If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information, to the extent that such information is known and readily available to the user.
 - (1) An identification of the hazardous constituents contained in the waste;

- (2) An estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month; and
 - (3) An estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months.
 - C. All notifications shall take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharge. However, notifications of changed discharges shall be submitted per § 244 of this Part. This notification requirement does not apply to pollutants already reported by users subject to Federal Categorical Pretreatment Standards under the monitoring requirements of § 243, Subsection 3, of this Part.
2. Dischargers are exempt from Subsection 1 of this section during a calendar month in which they discharge no more than 15 kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of hazardous waste do not require additional notification.
3. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the user shall notify the Township, the EPA Regional Waste Management Division Director and the DEP waste management authorities of the discharge of such substances within 90 days of the effective date of such regulations.
4. In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a wastewater discharge permit issued hereunder, or any applicable federal or state law.

§ 18-247. Compliance Monitoring. [Ord. 2009-1, 2/9/2009]

1. Sample Collection.
 - A. Samples for cyanide, oil and grease, pH, total phenols, sulfide, temperature, toxicity and volatile organic compounds shall be obtained using grab collection techniques.
 - B. Grab samples shall also be used for any pollutant subject to an instantaneous maximum limitation.

- C. All other wastewater compliance monitoring samples shall be collected using flow-proportioned composite collection techniques. The Township may authorize the use of time-proportioned sampling or the collection of one grab sample every two hours for the duration of the discharge where the user demonstrates to the Township that the grab samples shall be representative of the effluent being discharged to the POTW.
 - D. The decision to allow the alternative sampling must be documented in the IU file for the facility or facilities. Using protocols (including appropriate preservation) specified in 40 CFR 136 and appropriate EPA guidance, multiple grab samples collected during a twenty-four-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfide, the samples may be composited in the laboratory or in the field; for volatile organic compounds 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 Township, as appropriate.
 - E. If grab samples are used for BMR reporting under § 243, Subsection 1, of this Part and ninety-day compliance reports under § 243, Subsection 4, of this Part, a minimum of four grab samples must be collected and analyzed 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 Township may authorize a lower minimum number of samples. For other IU compliance reports and IU reports not subject to Federal Categorical Pretreatment Standards, the Township shall require the number of grab samples necessary to assess and assure compliance by IUs with applicable pretreatment standards and requirements.
2. Analytical Requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR 136, as amended, unless otherwise specified in an applicable Federal Categorical Pretreatment Standard. If 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the EPA.
 3. Representative Sampling. All wastewater samples shall 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 the monitoring facility in good working order shall not be grounds for the user to claim the sample results are not representative of the discharge.

4. **Sampling Frequency.** The user shall ensure that an adequate number of samples are collected and analyzed to determine that the process discharge equipment is operating properly and that the wastewater discharge does not violate pretreatment effluent limitations. Except as otherwise provided, significant industrial user sampling for determining compliance shall be conducted at least once every six months and analyzed for applicable pollutants. The Township reserves the right to require sampling more frequently than set herein.
5. **Reporting of Increased Sampling Results.** If a user subject to the reporting requirements of this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Township using the procedures prescribed in Subsection 4 of this section, results of this monitoring shall be included in the report.
6. **Repeat Sampling and Reporting.** If sampling performed by a user indicates a violation of a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the user shall notify the Township within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Township within 30 days after becoming aware of the violation. The user is not required to resample if the Township monitors the user's wastewater discharge at least once a month or the Township samples between the user's initial sampling and when the user or Township receives the initial sample results.
7. **Toxicity Monitoring.** A user shall undertake effluent toxicity testing as deemed necessary by the Township using DEP- and EPA-established protocols. A user shall undertake a toxicity reduction evaluation and take steps to reduce toxicity as required by the Township using DEP- and EPA-established protocols.

§ 18-248. Recordkeeping. [Ord. 2009-1, 2/9/2009]

Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part, including documentation associated with best management practices, and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, time of sampling and name of the person(s) taking the samples; the dates analyses are performed; who performed the analyses; the analytical techniques or methods used; and the results of the analyses. These records shall remain available for three years or longer as specified by the Township, and affording the Township access thereto, which period shall be automatically extended for the duration of the litigation concerning the user or the Township.

§ 18-249. Monitoring Facilities. [Ord. 2009-1, 2/9/2009]

The Township shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the Township may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. Any temporary or permanent obstruction to safe and easy access to the monitoring facilities to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Township and shall not be replaced. The costs of clearing such access shall be borne by the user. The facility and sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. All equipment used to measure wastewater flow or quality shall be calibrated annually to ensure its accuracy. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Township's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township.

§ 18-250. Inspection and Sampling. [Ord. 2009-1, 2/9/2009]

The Township shall inspect the facilities of any user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and copying and in the performance of any of their duties. The Township, state and EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would 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, personnel from the Township, state and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities. If the Township has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part at the facility, or there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Township may seek issuance of a search and/or seizure warrant from the Court of Common Pleas of Huntingdon County.

§ 18-251. Pretreatment Facilities. [Ord. 2009-1, 2/9/2009]

Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards, local limits and the prohibitions set out in § 211 of this Part within the

time limitations specified by the EPA, the state or the Township, whichever is more stringent. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township for review and shall be acceptable to the Township before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Township prior to the user's initiation of the changes. All records relating to compliance with pretreatment standards and requirements shall be made available to officials of the state or EPA upon request.

§ 18-252. Public Notice. [Ord. 2009-1, 2/9/2009]

The Township shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdiction of the POTW a list of the users which were in significant noncompliance (SNC) with applicable pretreatment standards or requirements at least once during the previous 12 months. The notification also shall summarize any enforcement actions taken by the Township against the users during the same 12 months. For the purposes of this provision, a significant industrial user is in SNC (or any other industrial user that violates Subsection C, D or H of this section) if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken during a six-month period exceed a numeric pretreatment standard or requirement including instantaneous limits, as defined in the definition of "instantaneous limit" in § 202 of this Part and by 40 CFR 403.3(1);
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined in the definition of "instantaneous limit" in § 202 of this Part and by 40 CFR 403.3(1), multiplied by the applicable TRC (TRC = 1.4 for BOD, oil and grease and TSS, and 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement as defined in the definition of "instantaneous limit," "monthly average limit," "pretreatment requirements," and "pretreatment standards" in § 202 of this Part and by 40 CFR 403.3(1) that the Township 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 an imminent endangerment to the public or to the environment or has resulted in the Township's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge;

- E. Failure to meet, within 90 days after the scheduled date, a compliance milestone contained in the wastewater discharge permit or separate enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 30 days after the due date, any required reports such as baseline monitoring reports, periodic compliance reports, monthly monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations, which may include a violation of best management practices, which the Township determines will adversely affect the operation or implementation of the Township's pretreatment program.

§ 18-253. Confidential Information. [Ord. 2009-1, 2/9/2009]

1. Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Township that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
2. When requested 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 written request to governmental agencies for uses related to this Part, the National Pollution Discharge Elimination System (NPDES) permit, state disposal permit and/or the pretreatment program. Such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics as defined by 40 CFR 2.302 will not be recognized as confidential information and shall be available to the public without restriction.
3. Information accepted by the Township as confidential shall be transmitted to any governmental agency immediately when requested but not to the general public unless a ten-day notification is given to the user by the Township.

§ 18-254. Duty to Provide Information. [Ord. 2009-1, 2/9/2009]

A user shall furnish to the Township, within a reasonable time, any information which the Township may request to determine whether cause exists for modifying, reissuing, terminating or revoking a wastewater discharge permit or to determine

user pretreatment compliance. The user shall also furnish to the Township, upon request, copies of records required to be maintained pursuant to this Part or other applicable federal, state or local laws or regulations. If the user becomes aware that it failed to submit relevant facts or submitted incorrect information in an application for a wastewater discharge permit, a report to the Township, or in any correspondence pertaining to its industrial wastewater discharge, the user shall promptly submit such facts or information to the Township.

E. Enforcement.

§ 18-261. Administrative Enforcement Remedies. [Ord. 2009-1, 2/9/2009]

1. Notice of Violation (NOV). Whenever the Township finds that a user has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement, the Township may serve upon such person a written notice stating the nature of the violation. Within 10 days of the receipt date 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 to the Township by the user. If the user fails to submit a plan within this ten-day period, the Township shall develop and enforce a plan to correct the violation in question at the user's expense. The provisions of this section shall not relieve the user of any responsibility under local, state or federal statutes, laws, rules or regulations.
2. Cease-and-Desist Orders.
 - A. When the Township finds that a user has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement, the Township may issue an order to cease and desist all such violations and direct the user in noncompliance to:
 - (1) Immediately comply with all requirements; and
 - (2) Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatening violation, including halting operations and/or terminating the discharge.
 - B. Issuance of a cease-and-desist order shall not bar against, or be a prerequisite for, taking any other enforcement action against the user.
3. Compliance Orders. When the Township finds that a user has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement, the Township may issue a compliance order to the user responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment

facilities, devices or other related appurtenances have been installed and properly operated. Compliance orders may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring and management practices. 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 bar against, or be a prerequisite for, taking any other enforcement action against the user.

4. Consent Orders. The Township is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such orders will include specific action to be taken by the user to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as compliance orders issued pursuant to Subsection 3 of this section.
5. Show-Cause Orders.
 - A. Notwithstanding the aforesaid enforcement provisions, the Township may order any user who has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement to show cause before the Township why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Township regarding the violation, the reasons why the action is to be taken, and the proposed enforcement action, and directing the user to show cause before the Township why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by certified or registered mail (return receipt requested) at least 10 days before the hearing. Service may be made on any authorized representative of the user.
 - B. The Township or other person designated by the Township shall conduct the hearing and be authorized as follows:
 - (1) To issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (2) To take the evidence; and
 - (3) To transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township for action thereof.

- C. At any hearing held pursuant to this Part, testimony shall be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
 - D. After the Township has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives deemed necessary and appropriate may be issued by the Township.
6. Administrative Fines.
- A. Notwithstanding any other section of this Part, any user who has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement shall be fined an amount not to exceed \$25,000 for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Township may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement.
 - B. The user charged with the fine shall have 30 days to pay the proposed fine in full, or, if the user wishes to contest the amount of the fine or the fact of the violation, the user may file an appeal. Failure to appeal within this thirty-day period shall result in a waiver of all legal rights to contest the violation or the amount of the fine. Unpaid charges, fines and penalties shall constitute a lien against an individual user's property.
7. Emergency Suspensions.
- A. The Township may suspend wastewater treatment service and/or the wastewater discharge permit when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW, or causes the POTW to violate any condition of its NPDES permit.
 - B. Any user notified of a suspension of wastewater treatment service and/or the wastewater discharge permit shall immediately stop or eliminate the discharge to the POTW. In the event of a failure by the

user to comply voluntarily with the suspension order, the Township shall take 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 Township shall reinstate the wastewater discharge permit upon proof of the elimination of the noncomplying discharge by the user and payment of any damages, fines, penalties or costs associated with the discharge.

- C. A user which is responsible, in whole or in part, for 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 Township within 15 days of the date of occurrence.

8. Revocation of Permit.

- A. Any user who has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement is subject to having his wastewater discharge permit revoked for, but not limited to, the following changes:

- (1) Failure of the user to factually report the wastewater constituents and characteristics of discharge;
- (2) Failure of the user to report significant changes in operations or wastewater constituents and characteristics prior to the changed discharge;
- (3) Refusal to permit reasonable access to the user's premises for the purpose of inspection, monitoring or sampling;
- (4) Violation of the conditions of the wastewater discharge permit;
or
- (5) Failure to terminate undesirable new or increased discharges.

- B. Noncompliant users will be notified of the proposed termination of their wastewater discharge permit and be offered an opportunity to show cause under Subsection 5 of this section why the proposed action should not be taken.

§ 18-262. Judicial Remedies. [Ord. 2009-1, 2/9/2009]

If any user has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement, the Township Solicitor may commence an

action for appropriate legal and/or equitable relief in the Court of Common Pleas of Huntingdon County. Some of these actions include the following:

- A. Injunctive Relief. Whenever a user has violated or continues to violate the provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement, the Township may petition the Court of Common Pleas of Huntingdon County through the Township Solicitor for the issuance of a temporary or permanent injunction, or both (as may be appropriate), which restrains or compels the activities on the part of the user.
- B. Civil Penalties.
 - (1) Any user who has violated or continues to violate any provisions of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement shall be liable to the Township for a civil penalty in an amount not to exceed \$25,000, plus actual damages incurred by the POTW, per violation per day as the violation continues. In addition to the above-described penalty and damages, the Township may recover reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.
 - (2) The Township shall petition the court to impose, assess and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration, 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.
- C. Criminal Prosecution. Any user who willfully or negligently violates or continues to violate any provision of this Part, the wastewater discharge permit, any order issued hereunder, or any violation of a pretreatment standard or requirement may be subject to criminal liability under federal, state or local law.
- D. Falsifying Information. 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 Part or the wastewater discharge permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part may be subject to criminal liability under federal, state or local law.

§ 18-263. Affirmative Defenses. [Ord. 2009-1, 2/9/2009]

- 1. Treatment Upsets.

- A. For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Federal 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 Federal Categorical Pretreatment Standards if the requirements in the following subsection 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 workmanlike manner and in compliance with applicable operation and maintenance procedures; and
 - (3) The user has submitted the following information to the POTW within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five 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. A user will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Federal Categorical Pretreatment Standards.
- E. The user shall control production of all discharges to the extent necessary to maintain compliance with Federal Categorical Pretreatment Standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the

situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

2. Treatment Bypasses.

- A. A bypass of the treatment system is prohibited unless all of the following conditions are met:
- (1) The bypass is unavoidable to prevent loss of life, personal injury or severe property damage;
 - (2) There is no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
 - (3) The user properly notifies the Township as described in Subsection 1C(3) of this section.
- B. Users must provide immediate oral notice to the Township within 24 hours of discovery of an unanticipated bypass that exceeds applicable pretreatment standards and requirements, users shall submit a written report to the Township within five days of becoming aware of the bypass. The written report shall explain the cause(s), nature and duration of the bypass, and the steps being taken to prevent its recurrence. A user may allow a bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Township at least 10 days in advance. The Township may only approve the anticipated bypass if the circumstances satisfy those set forth in this section.

PART 3

HOLDING TANKS**§ 18-301. Purpose. [Ord. 1985-6, 7/1/1985, § 1]**

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

§ 18-302. Definitions. [Ord. 1985-6, 7/1/1985, § 2]

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

AUTHORITY — The Supervisors of Smithfield Township, Huntingdon County, Pennsylvania.

HOLDING TANK — A watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

1. **CHEMICAL TOILET** — A toilet using chemicals that discharges to a holding tank.
2. **RETENTION TANK** — A holding tank where sewage is conveyed to it by a water-carrying system.
3. **VAULT PIT PRIVY** — A holding tank designed to receive sewage where water under pressure is not available.

IMPROVED PROPERTY — Any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage shall or may be discharged.

MUNICIPALITY — Smithfield Township, Huntingdon County, Pennsylvania.

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

PERSON — Any individual, partnership, company, association, corporation or other group or entity.

SEWAGE — Any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals

and any noxious or deleterious substance being harmful or inimical to the public health, or to animal or aquatic life or to the use of water for domestic water supply or for recreation.

§ 18-303. Rights and Privileges Granted. [Ord. 1985-6, 7/1/1985, § 3]

The Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof.

§ 18-304. Rules and Regulations. [Ord. 1985-6, 7/1/1985, § 4]

The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein.

§ 18-305. Rules and Regulations to be in Conformity with Applicable Law. [Ord. 1985-6, 7/1/1985, § 5]

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

§ 18-306. Rates and Charges. [Ord. 1985-6, 7/1/1985, § 6]

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

§ 18-307. Exclusiveness of Rights and Privileges. [Ord. 1985-6, 7/1/1985, § 7; as amended by Ord. 1999-1, 6/14/1999]

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

§ 18-308. Duties of Improved Property Owner. [Ord. 1985-6, 7/1/1985, § 8]

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

- A. Maintain the holding tank in conformance with this Part or any ordinance of this Township, the provisions of any applicable law and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.
- B. Permit only the Authority or its agents to collect, transport and dispose of the contents therein.

§ 18-309. Penalties. [Ord. 1985-6, 7/1/1985, § 9; as amended by Ord. 1999-1, 6/14/1999]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a District Justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

§ 18-310. Abatement of Nuisances. [Ord. 1985-6, 7/1/1985, § 10]

In addition to any other remedies provided in this Part, any violation of § 308 above shall constitute a nuisance and shall be abated by the Township or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction.

PART 4

GREASE REMEDIATION**§ 18-401. Title. [Ord. No. 2018-4, 8/7/2018]**

This Part shall be hereafter known as the "Smithfield Township Grease Remediation Ordinance."

§ 18-402. Definitions. [Ord. No. 2018-4, 8/7/2018]

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

EXCESSIVE AMOUNTS OF GREASE — Discharge concentrations exceeding 100 parts per million (ppm) of grease, oil and fat downstream of an interceptor or trap.

FOOD PREPARATION FACILITY — Any food establishment in any building, room or place or any portion thereof or appurtenance thereto, where human food or drink is mixed, cooked or otherwise prepared, offered for sale, sold, served, or given with or without charge to patrons, customers or guests for consumption on the premises; provided, however, that this does not include the mixing, cooking or other preparation or serving of food in single-family dwellings to the resident family or its guests.

GREASE TRAP — An interceptor which shall be rated for a minimum of 22.5 gpm.

RESTAURANT — Any public eating establishment where meals are prepared, offered for sale, sold and served to patrons, customers or guests from compensation based on the price charged for and generally paid at the conclusion of each meal. The word "meals," as used herein, means meals generally consisting of courses embracing some kind of meat or its equivalent, vegetables, bread, pastry, beverages and accompaniments.

TOWNSHIP — Smithfield Township, Huntingdon County, Pennsylvania.

§ 18-403. Plumbing to be in Good Repair. [Ord. No. 2018-4, 8/7/2018]

Every building or room occupied or used as a food preparation facility or restaurant shall be (well drained. All soil pipes, waste pipes, drains or other plumbing fixtures shall be of adequate size to enable a passage of any waste intended to pass through it to the main sewer. All drains, sewers, waste and soil pipes, traps in water and gas pipes shall at all times be kept in good repair and order so that no gasses or odor shall escape therefrom and so that the same shall not leak, and all vent pipes shall be kept in good order and repair and free from obstruction.

§ 18-404. Grease Traps Required. [Ord. No. 2018-4, 8/7/2018]

On or before August 31, 2019, every building, room or space or part thereof used as a restaurant or food preparation facility, whether new or existing, shall install or cause to be installed a grease trap. The type and method of installation shall be in a manner set forth in specifications established by the Township from time to time.

§ 18-405. Installation of Grease Traps and Interceptors. [Ord. No. 2018-4, 8/7/2018]

1. A grease trap shall be installed at an appropriate location along the sewer line between the restaurant and/or food preparation facility and the line's entry into the main public sewer line. An inspection site tee shall be installed between the interceptor discharge and connect to the public sewer system. All installations shall be in accordance with the Township's specifications, and shall include inspection by the Township of all grease trap installations.
2. No solid waste device, such as waste grinders, disposals, potato peelers, etc., shall discharge through the grease trap. Only potential grease laden fixtures may discharge through the trap or interceptor. Fixtures discharging wastewater in excess of 140° to a grease trap are prohibited.
3. Food preparation establishments and restaurants shall install grease traps conforming to the Plumbing and Drainage Institute G-101 (PDI G101). The establishment's proposed grease trap and its installation details must be approved by the Township before construction. The application for new installations must contain the size and type of the grease trap being proposed as well as a floor plan showing the location of the grease trap and all fixtures being connected to the trap, as well as discharge rates for each fixture.
4. The Township reserves the right to require any establishment that generates greases or oils to install an outdoor grease interceptor. The Township shall have the right to require the outside installation at any time prior to or after the start of sewer service. The reason for requiring the outside installation shall be based on anticipated or actual volumes of grease/oils generated. The Township may also require the outside installation due to failure of the customer to maintain an existing inside installation. Such interceptors shall be designed in general conformance with PDI G-101, and shall provide a minimum detention time of 30 minutes with all fixtures discharging simultaneously. The interceptor shall be of the two-compartment type, have sampling ports as required by the Township, and shall be water tested in accordance with testing procedures for sanitary sewer manholes.

§ 18-406. Maintenance of Grease Traps and Interceptors. [Ord. No. 2018-4, 8/7/2018]

1. All grease traps shall be maintained and kept in good working order at all times. The trap shall limit the amount of grease discharged into the public sewer system to levels which shall not exceed 100 ppm downstream of the interceptor or trap.
2. It shall be the duty and responsibility of any owner, lessee or agent of any restaurant or food preparation facility to, at a minimum, quarterly inspect the grease trap. A written record shall be kept of all inspections. The inspection record shall at a minimum list the name (inspector and company), address, phone number of the inspection/disposal company, the method and frequency of cleaning schedule and the date of the cleaning/inspection. Such records shall be presented to the Township upon request. A more frequent cleaning/inspection schedule may be ordered to be performed by the facility When it is determined by the Township that the facility is discharging excessive amounts of grease to the public sewer system.
3. The Township has the right to request random sampling for the testing of grease traps in restaurants and food preparation facilities. The testing shall require the grease trap samples to be sent to a laboratory. It shall be the responsibility of any owner, lessee or any agent of any restaurant or food preparation facility who fails the laboratory analysis involved with the grease trap testing to pay the administrative costs that the Township incurred as a result of said test. The administrative costs shall be in addition to any other fines or penalties that may be assessed in accordance with this Part.

§ 18-407. Violations and Penalties. [Ord. No. 2018-4, 8/7/2018]

1. Whoever violates any of the provisions of this Part shall cease to discharge or infiltrate or permit the discharge or infiltration of the violating materials and substances upon receiving 30 days' notice, in writing, to do so. In case the violator neglects or refuses to do so, the Township may proceed to have the violating system disconnected and the costs thereof, together with a penalty of 10% additional thereto, shall be collected from the violator in the manner provided by law.
2. Whoever fails a laboratory analysis involved with the grease trap testing shall pay the administrative costs within 30 days of notice. Any fees not paid within 30 days may be added to the sewage bill and enforcement may also be sought in a legal action for collection.
3. Whoever fails to comply with the requirements of this Township shall be responsible for the payment of all legal and engineering costs which arise from the Township pursuing its rights under this Part.

4. Any person who fails to comply with any or all of the requirements or provisions of this Part or who fails or refuses to comply with any notice, order or direction of the Township shall be guilty of a summary offense and upon conviction shall pay a fine of not less than \$25 nor more than \$600 plus costs of prosecution.
5. All rights under this section shall be cumulative in nature and the Township may pursue more than one remedy simultaneously.

§ 18-408. Right of Entry and Inspection of Premises. [Ord. No. 2018-4, 8/7/2018]

In the discharge of its duties, Township personnel or authorized representative(s) shall have the right to enter, at any reasonable hour, any restaurant or food preparation facility to enforce the provisions of this Part.

§ 18-409. Conflict With Other Rules. [Ord. No. 2018-4, 8/7/2018]

Any conflict between this Part and other ordinances of the Township shall be interpreted in order to achieve maximum compliance of the provisions of this Part in order to achieve its intended purposes.