

MONTGOMERY TOWNSHIP BOARD OF SUPERVISORS  
BOARD ACTION SUMMARY

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SUBJECT: Consider Adoption of Proposed Ordinance #11-250  
– Amendment to Sewer Use Regulations

MEETING DATE: May 23, 2011

ITEM NUMBER: #7

MEETING/AGENDA:

ACTION XX

NONE

REASON FOR CONSIDERATION: Operational: Policy: Discussion: Information:

INITIATED BY: Lawrence J. Gregan  
Township Manager

BOARD LIAISON: Robert J. Birch, Chairman

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BACKGROUND:

The Montgomery Township Sewer Authority Board, Engineer, Solicitor and Staff have recommended the attached update to the current Sewer Use Ordinance. The update is required to bring the ordinance in line with new policies and procedures. The attached Ordinance Update is a revision to the current Montgomery Township Sewer Use Ordinance (Part 1 of Chapter 187 of the Township Code). The most significant modifications include:

- The Township's Industrial Waste Monitoring/Permitting Program was updated based upon current U.S. Environmental Protection Agency "Model Pre-Treatment Ordinance" recommendations.
- The Local Limits criteria for each wastewater treatment plant that receives flow from the various MTMSA sewerage basins was updated based upon recent information.

The proposed ordinance was advertised for consideration for adoption in the Lansdale Reporter on May 13, 2011.

ZONING, SUBDIVISION OR LAND DEVELOPMENT IMPACT:

None.

PREVIOUS BOARD ACTION:

None.

ALTERNATIVES/OPTIONS:

None.

BUDGET IMPACT:

None.

RECOMMENDATION:

Adopt proposed Ordinance #11-250, amending Part 1 "Sewer Use & Regulations" of Chapter 187 "Sewers" of the Montgomery Township Code.



MOTION/RESOLUTION:

BE IT RESOLVED by the Board of Supervisors of Montgomery Township that we hereby adopt Proposed Ordinance #11-250 – Amending Part 1 “Sewer Use & Regulations” of Chapter 187 “Sewers” of the Montgomery Township Code.

MOTION: \_\_\_\_\_

SECOND: \_\_\_\_\_

ROLL CALL:

Candyce Fluehr Chimera	Aye	Opposed	Abstain	Absent
Michael J. Fox	Aye	Opposed	Abstain	Absent
Jeffrey W. McDonnell	Aye	Opposed	Abstain	Absent
Joseph P. Walsh	Aye	Opposed	Abstain	Absent
Robert J. Birch	Aye	Opposed	Abstain	Absent

DISTRIBUTION: Board of Supervisors, Frank R. Bartle, Esq.



**DRAFT**

**MONTGOMERY TOWNSHIP  
LEGAL NOTICE**

Notice is hereby given that on Monday, \_\_\_\_\_, 2011, at 8:00 p.m., during its regularly scheduled public meeting, the Montgomery Township Board of Supervisors will consider the following proposed amendment of the Code of Montgomery Township, Chapter 187 – Sewers (Sewer Use Ordinance 97-75 Enacted June 2, 1997, As Amended), Part 1, Sewer Use and Regulations. A brief summary of the content of this proposed Amendment is as follows:

An Amendment to the Code and to Sewer Use Ordinance 97-75 Enacted June 2, 1997, As Amended repealing the current Part 1 of Chapter 187 (Sewers) of the Code and revising the aforementioned Part 1 setting forth provisions for general provisions, general sewer use requirements, pre-treatment of wastewater, wastewater discharge permits, wastewater discharge permit issuance, reporting requirements, compliance monitoring, confidential information, publication of users in significant non-compliance, administrative enforcement remedies, judicial enforcement remedies, supplemental enforcement action, affirmative defenses to discharge violations, building sewers and connections, sanitary sewer plan, mandatory connections, conditions of connections, building procedures and rates, miscellaneous provisions and effective date. This Part 1 sets forth uniform requirements for the Township's direct and indirect contributions into the wastewater collection and treatment systems servicing the Township in order for the Township and the Publicly Owned Treatment Works, treatment plants and responsible municipalities to comply with all applicable State and Federal laws providing for regulations concerning discharges of wastewater and pollutants into the sewer system, and providing for penalties for violations and setting forth provisions regarding mandatory connections, conditions of connection, billing procedures and rates, and related miscellaneous provisions.

The full text of this proposed Code Amendment may be examined, without charge, and copies may be obtained for a charge no greater than the cost thereof, at the Montgomery Township Building during normal business hours, Monday through Friday, 8:30 a.m. until 4:30 p.m.

The public is invited to attend and will be given an opportunity to provide comments regarding this proposed Code Amendment. Persons with disabilities, wishing to attend the Public Meeting and requiring auxiliary aid, service or other accommodations to participate, should contact the Montgomery Township Human Resources Coordinator at 215-393-6900. During the Public Meeting, the Board of Supervisors will render its decision on the enactment of the proposed Code Amendment, unless it deems additional time is required for consideration and discussion, in which case it will hold an additional Public Meeting at an announced date and time for that purpose.

**LAWRENCE J. GREGAN**  
MONTGOMERY TOWNSHIP  
Township Manager

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TO BE INSERTED in The Reporter on Monday, \_\_\_\_\_, 2011. Please send proof of Publication to Montgomery Township, Attn.: Bruce Shoupe, 1001 Stump Road, Montgomeryville, PA 18936.



## **Chapter 187**

### **SEWERS**

#### **Part I Sewer Use and Regulations**

##### **ARTICLE I General Provisions**

- § 187-1. Purpose and Policy.**
- § 187-2. Administration.**
- § 187-3. Abbreviations.**
- § 187-4. Definitions.**

##### **ARTICLE II General Sewer Use Requirements**

- § 187-5. Prohibited Discharge Standards.**
- § 187-6. National Categorical Pretreatment Standards.**
- § 187-7. State Pretreatment Standards.**
- § 187-8. Local Limits.**
- § 187-9. POTW-TP's.**
- § 187-10. Dilution.**

##### **ARTICLE III Pretreatment of Wastewater**

- § 187-11. Pretreatment Facilities.**
- § 187-12. Additional Pretreatment Measures.**
- § 187-13. Accidental Discharge/Slug Discharge Control Plans.**
- § 187-14. Hauled Wastewater.**

##### **ARTICLE IV Wastewater Discharge Permits**

- § 187-15. Wastewater Analysis.**
- § 187-16. Wastewater Discharge Permit Requirement.**

- § 187-17. Wastewater Discharge Permitting: Existing Connections.**
- § 187-18. Wastewater Discharge Permitting: New Connections.**
- § 187-19. Wastewater Discharge Permit Application Contents.**
- § 187-20. Application Signatories and Certifications.**
- § 187-21. Wastewater Discharge Permit Decisions.**

##### **ARTICLE V Wastewater Discharge Permit Issuance**

- § 187-22. Wastewater Discharge Permit Duration.**
- § 187-23. Wastewater Discharge Permit Contents.**
- § 187-24. Permit Appeals.**
- § 187-25. Permit Modification.**
- § 187-26. Wastewater Discharge Permit Transfer.**
- § 187-27. Wastewater Discharge Permit Revocation.**
- § 187-28. Wastewater Discharge Permit Reissuance.**
- § 187-29. Regulation of Waste Received from Other Jurisdictions.**

##### **ARTICLE VI Reporting Requirements**

- § 187-30. Baseline Monitoring Reports.**
- § 187-31. Compliance Schedule Progress Reports.**
- § 187-32. Reports on Compliance with Categorical Pretreatment Standard Deadline.**
- § 187-33. Periodic Compliance Reports.**

- § 187-34. Reports of Changed Conditions.
- § 187-35. Reports of Potential Problems.
- § 187-36. Reports from Unpermitted Users.
- § 187-37. Notice of Violation/Repeat Sampling and Reporting.
- § 187-38. Prohibition of the Discharge of Hazardous Waste.
- § 187-39. Analytical Requirements.
- § 187-40. Sample Collection.
- § 187-41. Date of Receipt of Reports.
- § 187-42. Recordkeeping.
- § 187-43. Certification Statements.

#### ARTICLE VII Compliance Monitoring

- § 187-44. Right of Entry: Inspection and Sampling.
- § 187-45. Search Warrants.

#### ARTICLE VIII Confidential Information

#### ARTICLE IX Publication of Users in Significant Noncompliance

#### ARTICLE X Administrative Enforcement Remedies

- § 187-46. Notification of Violation.
- § 187-47. Consent Orders.
- § 187-48. Show Cause Hearing.
- § 187-49. Compliance Orders.
- § 187-50. Cease and Desist Orders.
- § 187-51. Administrative Fines.
- § 187-52. Emergency Suspensions.
- § 187-53. Termination of Discharge.

#### ARTICLE XI Judicial Enforcement Remedies

- § 187-54. Injunction Relief.
- § 187-55. Civil Penalties.

- § 187-56. Criminal Prosecution.
- § 187-57. Remedies Nonexclusive.

#### ARTICLE XII Supplemental Enforcement Action

- § 187-58. Performance Bonds.
- § 187-59. Liability Insurance.
- § 187-60. Water Supply Severance.
- § 187-61. Public Nuisances.

#### ARTICLE XIII Affirmative Defenses to Discharge Violations

- § 187-62. Upset.
- § 187-63. Prohibited Discharge Standards.
- § 187-64. Bypass.

#### ARTICLE XIV Building Sewers and Connections

- § 187-65. Permit Required.
- § 187-66. Classes of Permit; Information Required; Unauthorized Connection Prohibited.
- § 187-67. Bearing of Costs; Indemnification.
- § 187-68. Separate Sewers.
- § 187-69. Use of Old Sewers.
- § 187-70. Conformance to Codes.
- § 187-71. Grease Traps.
- § 187-72. Elevation.
- § 187-73. Surface Runoff and Groundwater.
- § 187-74. Connection to Lateral.
- § 187-75. Inspection; Supervision of Connection.
- § 187-76. Safety Measures; Guarding of Hazards; Restoration.
- § 187-77. Conditions Prior to Commencement of Work.
- § 187-78. Owner.
- § 187-79. Capping of Unusual Points of Connection.



**ARTICLE XV**  
**Sanitary Sewer Plan, Mandatory**  
**Connections, Conditions of Connection,**  
**Billing Procedures and Rates**

- § 187-80. Plan; Rental Charges.**
- § 187-81. Mandatory Connection to**  
**Public Sewers.**
- § 187-82. Connection Fees.**
- § 187-83. Damage Prohibited.**
- § 187-84. Design Standards.**
- § 187-85. Conditions of Connection.**

- § 187-86. Sewer Rent Billing.**
- § 187-87. Sewer Rental Charges.**

**ARTICLE XVI**  
**Miscellaneous Provisions**

- § 187-88. Severability.**
- § 187-89. Conflict.**

**ARTICLE XVII**  
**Effective Date**



**PART 1**  
**Sewer Use and Regulations**

**ARTICLE I**  
**General Provisions**

**§ 187-1. Purpose and Policy**

- A. This Part 1 provides for the regulation of the public wastewater collection and treatment system operated by the Montgomery Township Municipal Sewer Authority (“MTMSA”) and, inter alia, sets forth uniform requirements for direct and indirect contributions of wastewater within the jurisdiction of Montgomery Township which is ultimately discharged to the Publicly Owned Treatment Works’ (“POTW”) Treatment Plants (“POTW-TP”) specified below. Montgomery Township is responsible for enforcement of this Part 1, but MTMSA, the POTW-TPs and the municipalities primarily responsible for any POTW-TP share the duty to enforce this Part 1 to the extent necessary to assure compliance with the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq. and the General Pretreatment Regulations (40 CFR Part 403), along with all applicable State and Federal laws and permits. No POTW-TP or municipality responsible for a POTW-TP shall have any jurisdiction or authority to enforce this or any ordinance as they might relate to contributors whose discharge does not enter its own POTW-TP.
- B. The objectives of this Part 1 are:
- (1) To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge at the POTW-TP;
  - (2) To prevent the introduction of pollutants into the wastewater system that will pass through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the system;
  - (3) To protect both POTW personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  - (4) To improve the opportunity to reuse and recycling of wastewaters and sludge from the wastewater system;
  - (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the wastewater system; and
  - (6) To enable POTW-TP permittees to comply with their National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the POTW is subject; and to empower the POTW-TP to enforce penalties against violators as required by its Enforcement Response Guide and by Federal and State laws.

- C. This Part 1 shall apply to all Users of the wastewater system. The Part 1 authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### **§ 187-2. Administration**

- A. Except as otherwise provided herein, the MTMSA Manager shall administer, implement, and enforce the provisions of this Part 1. Any powers granted to or duties imposed upon the MTMSA Manager may be delegated by the MTMSA Manager to a duly authorized MTMSA Staff member.

#### **§ 187-3. Abbreviations**

The following abbreviations, when used in this Part 1, shall have the designated meanings:

BOD	Biochemical Oxygen Demand
BMP	Best Management Practice
BMR	Baseline Monitoring Report
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
IU	Industrial User
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
NSCIU	Non-Significant Categorical Industrial User
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIU	Significant Industrial User
SNC	Significant Noncompliance
TSS	Total Suspended Solids
U.S.C.	United States Code

#### **§ 187-4. Definitions**

- A. Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part 1, 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. section 1251 et seq.

AMBLER BOROUGH - The Borough of Ambler Wastewater Treatment Plant or the Manager of this POTW-TP.

APPROVAL AUTHORITY - The Regional Administrator of EPA.

AUTHORIZED OR DULY AUTHORIZED REPRESENTATIVE OF THE INDUSTRIAL, COMMERCIAL, INSTITUTIONAL, OR SIGNIFICANT INDUSTRIAL USER -

- (1) If the User is a corporation:
  - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for the wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
- (3) If the User is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the MTMSA and the applicable POTW-TP.

BIOCHEMICAL OXYGEN DEMAND or BOD - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

BEST MANAGEMENT PRACTICES or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 187-5 A and B of this Part 1 [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives the wastewater from other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet [one and five-tenths (1.5) meters] outside the inner face of the building wall.

BUILDING SEWER - A sewer conveying wastewater from the premises (building drain) of a user to the collection system; also called "house connection."

CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD - Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

CATEGORICAL INDUSTRIAL USER - An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

CHALFONT-NEW BRITAIN TOWNSHIP JOINT SEWAGE AUTHORITY - The Chalfont-New Britain Township Joint Sewage Authority Wastewater Treatment Plant or the Manager of this POTW-TP.

CHEMICAL OXYGEN DEMAND or COD - A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

COLLECTION SYSTEM - The system of public sewers located within Montgomery Township and operated by the MTMSA and located within the public (legal) right-of-way or within easements owned by the Township or the MTMSA; also called "sewer system".

COMMUNITY ON-LOT SEWAGE SYSTEM - A system of piping, tanks or other facilities serving two (2) or more properties and collecting, treating and disposing of domestic sewage into a subsurface soil absorption area located on one (1) or more of the properties.

COMPATIBLE POLLUTANTS - Those pollutants for which the POTW-TP was designed to treat to a level less than the allowable as specified in its NPDES discharge permit, or which the POTW-TP as currently configured is able to treat to a level less than a proposed standard of discharge. Generally includes BOD, COD, TSS, NH<sub>3</sub>-N, TKN as N and P. Also referred to as "Conventional Pollutants."

CONTROL AUTHORITY - The POTW-TP Manager if the POTW-TP has an approved pretreatment program under the provisions of 40 CFR 403.11.

CONVENTIONAL POLLUTANTS - See definition of “Compatible Pollutants” above.

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

DAILY MAXIMUM - The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) - The Pennsylvania Department of Environmental Protection, or where appropriate, the term may also be used as a designation for the Secretary or other duly authorized official of said agency.

DIRECT DISCHARGE - The discharge of treated or untreated wastewater directly to the water of the State of Pennsylvania.

DOMESTIC WASTEWATER OR SEWAGE - The liquid and water-carried waste from residential dwellings and commercial buildings. This does not include industrial or processed wastewater produced from industrial processes or pretreatment facilities.

EASEMENT/RIGHT-OF-WAY - An acquired legal right for the specific use of land owned by a person other than the fee simple title owner.

ENVIRONMENTAL PROTECTION AGENCY or EPA - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, the Regional Administrator, or other duly authorized official of said agency.

EQUIVALENT DWELLING UNIT (EDU) - The estimated amount of capacity utilized by a single-family residential dwelling. A “residential dwelling” shall be a single-family dwelling, each family unit of a multifamily dwelling (apartment, condominium, twin, townhouse, etc.) and a mobile home. For all nonresidential, commercial or industrial uses, one (1) EDU shall equal sixty thousand (60,000) gallons of metered water consumption per year or fifteen thousand (15,000) gallons of metered water consumption per quarter, and the number of EDUs shall be compared by dividing the total number of gallons of water used for each quarter by fifteen thousand (15,000) and rounding off the next lower whole number if the decimal remainder is forty-nine hundredths (0.49) or less and to the next higher whole number if the decimal remainder is fifty hundredths (0.50) or more.

EXISTING SOURCE - Any source of discharge that is not a “New Source.”

GRAB SAMPLE - A sample that is taken from a wastestream, on a one-time basis, without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

HATFIELD TOWNSHIP MUNICIPAL AUTHORITY - The Hatfield Township Municipal Authority (HTMA) Wastewater Treatment Plant, or the Manager of this POTW-TP.

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

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 wastewater shall or may be discharged.

INDIRECT DISCHARGE OR DISCHARGE - The introduction of pollutants into the POTW, including holding tank waste discharged into the wastewater system.

INDIVIDUAL ON-LOT SEWAGE SYSTEM - A system of piping, tanks or other facilities serving a single property and collecting, treating and disposing of domestic sewage into a subsurface absorption area.

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

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER PERMIT - As set forth in Article IV of this Part 1.

INDUSTRIAL WASTEWATER - All wastewater other than domestic wastewater; also includes process wastewater.

INFLOW/INFILTRATION (I/I) - The amount of extraneous surface water (inflow) and groundwater (infiltration) entering the sewerage system via cracks, breaks, cross connections, leaks, etc. which can be economically removed by rehabilitation of the infrastructure.

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

INTERFERENCE - A discharge that, alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the POTW-TP's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act



(RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

LANSDALE BOROUGH - The Borough of Lansdale Wastewater Treatment Plant or the Manager of this POTW-TP.

LATERAL - Refer to "Public Sewer."

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

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

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

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

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

MTMSA. The Montgomery Township Municipal Sewer Authority, which has responsibility for the collection and treatment of wastewater generated in the geopolitical boundaries of Montgomery Township, Montgomery County, Pennsylvania.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD - Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(B) and (C) of the Act (33 U.S.C. 1317), which applied to a specific category of industrial users. (40 CFR Chapter I, Subchapter N, Parts 405-471).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD - Any regulation developed under the authority of 307(b) of the Act 40 CFR Section 403.5.

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

## NEW SOURCE

- (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
  - (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered.
- (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has:
  - (a) Begun, or caused to begin, as part of a continuous onsite construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can

be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

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

**OCCUPIED BUILDING** - Any structure for continuous or periodic human occupancy from which wastewater is or may be discharged and includes, without limitation, residential dwellings of all kinds, stores, shops, offices, warehouses, factories and business, commercial or industrial establishments.

**OWNER** - Any person vested with ownership, legal or equitable, sole, partial or joint, of any property located in Montgomery Township.

**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-TP's NPDES permit, including an increase in the magnitude or duration of a violation.

**PERSON** - Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

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

**POLLUTANT** - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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

**POTW TREATMENT PLANT or POTW-TP** - That portion of the POTW which is designed to provide treatment to wastewater from each participating municipality. The POTW-TPs servicing Montgomery Township are as follows: MTMSA Eureka Wastewater Treatment Plant, Ambler Borough Wastewater Treatment Plant, HTMA Wastewater Treatment Plant, Chalfont-New Britain Joint Sewage Authority Wastewater Treatment Plant, Upper Gwynedd Township Wastewater Treatment Plant, and Lansdale Borough Wastewater Treatment Plant. As used herein, the term POTW-TP shall, as the circumstances require, refer to the facility treating the wastewater and/or the entity responsible for its operation.

**PRETREATMENT** - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable Pretreatment Standard.

**PRETREATMENT REQUIREMENTS** - Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

**PRETREATMENT STANDARDS OR STANDARDS** - Pretreatment Standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

**PROHIBITED DISCHARGE STANDARDS OR PROHIBITED DISCHARGES** - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 187-5 of this Part 1.

**PROPERTY ACCESSIBLE TO A PUBLIC SEWER** - Property which adjoins, abuts on or is adjacent to a public sewer or a street or highway in which a public sewer is located, but shall not include any property on which the principal occupied building is located more than one hundred fifty (150) feet from a public sewer.

**PUBLIC SEWER** - Facilities, including any part of but not necessarily the entirety of a system of such facilities, operated by the MTMSA for the collection of wastewater within Montgomery Township. This includes lateral lines from a street sewer to the curb or legal right-of-way where such lateral lines are constructed by or dedicated to and accepted by the MTMSA. A common sewer operated by the MTMSA for the conveyance of wastewater.

**PUBLICLY OWNED TREATMENT WORKS (POTW)** - A treatment works as defined by Section 212 of the Act (33 U.S.C. 1292), including the POTW treatment plant and any sewers that convey wastewater to the POTW treatment plant, but not including pipes, sewers, or other conveyances not connected to a facility providing treatment. For the purposes of this Part 1, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons inside or outside Montgomery Township and participating municipalities.

**RESOURCE CONSERVATION AND RECOVERY ACT (RCRA).**

**RETAINING TANK.** A watertight receptacle which receives and retains wastewater and is designed and constructed to facilitate ultimate disposal of the wastewater at another site. "Retaining tanks" include but are not limited to a chemical toilet, a holding tank, a privy, an incinerating toilet, a composting toilet and a recycling toilet.

**RETAINING TANK WASTE** - Any waste from retaining tanks, such as vessels, chemical toilets, campers, trailers, and septic tanks.

**SANITARY SEWER** - A sewer that carries wastewater.

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

SEWAGE - Refer to "Wastewater."

SEWER - A pipe or conduit that carries wastewater.

SHALL is mandatory; MAY is permissive.

SIGNIFICANT INDUSTRIAL USER (SIU).

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

- (1) An Industrial User subject to categorical Pretreatment Standards; or
- (2) An Industrial User that:
  - (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the POTW on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (3) The POTW-TP may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
  - (a) The Industrial User, prior to POTW-TP's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;
  - (b) The Industrial User annually submits the certification statement required in Section 187-43 B of this Part 1 [see 40 CFR 403.12(q)], together with any additional information necessary to support the certification statement; and

- (c) The Industrial User never discharges any untreated concentrated wastewater.
- (4) Upon a finding that a User meeting the criteria in Subsection (2) of this part has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, POTW-TP may at any time, on its own initiative or in response to a petition received from an Industrial 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.

SLUG LOAD OR SLUG DISCHARGE - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 187-5 of this Part 1. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) - A Classification pursuant to the Standard Industrial Classification Manual issued by the Executive office of the President, Office of Management and Budget 1972.

STATE - State of Pennsylvania.

STORM WATER - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

SUPERINTENDENT - The person designated to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Part 1.

SUPERVISORS - The Montgomery Township Board of Supervisors.

TOTAL DISSOLVED SOLIDS "TDS" - The total dissolved (filterable) solids in water as determined by use of the method specified in 40 CFR Part 136.

TOTAL KJELDAHL NITROGEN "TKN" - The sum of free ammonia and organic nitrogen compounds which are converted to ammonium sulfate  $(\text{NH}_4)_2\text{SO}_4$  under conditions of digestion. Commonly described as free Ammonia plus Nitrate plus Nitrite Nitrogens.

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

TOWNSHIP - The Township of Montgomery.

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

**UPPER GWYNEDD TOWNSHIP** - The Upper Gwynedd Township ("UGT") Wastewater Treatment Plant or the Manager of this POTW-TP.

**USER** - Any person who contributes, causes, or permits the contribution of wastewater into the POTW.

**WASTEWATER** - Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**WASTEWATER TREATMENT PLANT OR TREATMENT PLANT** - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

**WATERS OF THE STATE** - All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation 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.

## ARTICLE II General Sewer Use Requirements

### § 187-5. Prohibited Discharge Standards

- A. General Prohibitions. No User shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the POTW whether or not they are subject to categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.
- B. Specific Prohibitions. No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:
  - (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21;
  - (2) Wastewater having a pH less than 6.0 or more than 9.0, or otherwise causing corrosive structural damage to the POTW or equipment;
  - (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or

marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil), mud, glass grinding or polishing wastes;

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW; except, however, that in the case of compatible pollutants (see definition in Section 187-4 of this Part 1), such discharge is permissible to the extent that it is in accordance with any enacted surcharge policy through which the discharger pays the POTW-TP for the treatment/removal of certain pollutants; but provided further, that in no case shall a slug load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four hour concentration, quantities or flow during normal operation of the individual discharge and/or of the POTW-TP;
- (5) Wastewater having a temperature greater than 104 degrees F (40 degrees C), or which will inhibit biological activity in the treatment plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with Section 187-14 of this Part 1;
- (9) Noxious or malodorous liquids (including automobile anti-freeze), gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the POTW-TP's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water,



Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the POTW-TP;

- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical Wastes, except as specifically authorized by the POTW-TP in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which that might cause excessive foaming in the POTW;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than are stated in Section 187-8 of this Part 1;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

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

#### **§ 187-6. National Categorical Pretreatment Standards**

Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405–471.

#### **§ 187-7. State Pretreatment Standards**

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations, or those in this Part 1.

#### **§ 187-8. Local Limits**

- A. The POTW-TP is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- B. The following pollutant limits are established to protect against Pass Through and Interference. Except as may be approved by the particular POTW-TP, no person shall discharge wastewater containing in excess of the following Daily Maximum Limit:

C. MTMSA Eureka Wastewater Treatment Plant

<b>Toxic Pollutants</b>	<b>mg/L</b>
Arsenic	0.10
Barium	2.00
Boron	1.00
Cadmium	0.02
Chrome (total)	1.00
Chrome (hexavalent)	0.10
Copper	1.00
Cyanide	0.20
Endrin	0.0004
Fluoride	4.00
Iron	5.00
Lead	0.10
Lindane	0.008
Mercury	0.005
Methoxychlor	0.20
Nickel	1.00
Phenol	0.50
Selenium	0.02
Silver	0.10
Tin	3.00
Total halogenated organics	5.00
Total for all priority pollutants	30.0
Toxaphene	0.01
Vanadium	3.00
Zinc	1.00
2,4-D	0.20
2,4,5-TP Silvex	0.02

Oil and Grease:

- (1) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.
- (2) Wastewater containing more than one hundred (100) milligrams per liter of oil, greases or fats of an animal or vegetable origin.
- (3) Wastewater from industrial plants containing floatable oils, fat or grease in excess of twenty-five (25) milligrams per liter.

<b>Compatible (Conventional) Pollutants</b>	<b>mg/L</b>
BOD	200

TSS	200
Ammonia nitrogen as N	25
Organic nitrogen as N	15
TKN as N	40
Total phosphorus as P	10
Phosphorus (soluble) as P	7
TDS	750

D. Ambler Borough Wastewater Treatment Plant

<b>Toxic Pollutants</b>	<b>mg/L</b>
Arsenic	0.53
Cadmium	0.02
Chromium (Total)	6.01
Copper	0.80
Cyanide (Total)	0.34
Aluminum	12.23
Chromium, Hexavalent	0.39
Molybdenum	Monitor Only
Selenium	0.11
Lead	0.13
Mercury	0.005
Nickel	0.46
Phenolics	3.59
Silver	0.26
Zinc	8.95

Oil and Grease:

(1) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(2) Wastewater containing more than one hundred (100) milligrams per liter of oil, greases or fats of an animal or vegetable origin.

(3) Wastewater from industrial plants containing floatable oils, fat or grease in excess of twenty-five (25) milligrams per liter.

<b>Compatible (Conventional) Pollutants</b>	<b>mg/L</b>
BOD	250
TSS	250
Ammonia nitrogen as N	25
Organic nitrogen as N	15
TKN as N	40

Total phosphorus as P	N/A
Phosphorus (soluble) as P	N/A
TDS	N/A

E. Chalfont-New Britain Township Joint Sewage Authority Wastewater Treatment Plant

<b>Toxic Pollutants</b>	<b>mg/L</b>
Arsenic	4.0
Beryllium	0.005
Cadmium	0.650
Chromium (Total)	1.0
Copper	1.0
Cyanide (Total)	0.75
Lead	0.50
Mercury	0.020
Nickel	2.0
Selenium	0.140
Silver	0.730
Zinc	1.00

Oil and Grease:

(1) Wastewater containing more than one hundred (100) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(2) Wastewater containing more than one hundred (100) milligrams per liter of oil, greases or fats of an animal or vegetable origin.

<b>Compatible (Conventional) Pollutants</b>	<b>mg/L</b>
BOD	250*
TSS	250*
Ammonia nitrogen as N	25*
Organic nitrogen as N	15
TKN as N	40
Total phosphorus as P	6.6*
Phosphorus (soluble) as P	7
TDS	750

\* Surcharge for Strong Wastes:

Industrial and/or Commercial Establishments discharging Strong Wastes to the Sewer System having a greater BOD than 250 mg/l, a Total Suspended Solids concentration greater than 250 mg/l, an Ammonia Nitrogen concentration greater than 25 mg/l, or a Phosphorus concentration greater than 6.6 mg/l, shall pay a

strength of waste surcharge, in addition to the basic volume rental or charge which shall be made in accordance with policies/procedures adopted by the Chalfont-New Britain Township Joint Sewage Authority.

F. HTMA Wastewater Treatment Plant

<b>Toxic Pollutants</b>	<b>mg/L</b>
Arsenic	0.010
Cadmium	0.260
Chromium (Total)	2.000
Copper	2.000
Lead	0.200
Mercury	0.002
Nickel	0.250
Silver	0.300
Zinc	1.000
Cyanide (Total)	Nondetectable
Phenols (Total)	2.000
Methylene Chloride	0.400
Bis (2-Ethylhexyl) Phthalate	2.000
Trichloroethylene	0.500

Oil and Grease:

(1) Wastewater containing more than twenty-five (25) milligrams per liter of petroleum oil, nonbiodegradable cutting oils or products of mineral oil origin.

(2) Wastewater containing more than one hundred (100) milligrams per liter of oil, greases or fats of an animal or vegetable origin.

(3) Wastewater from industrial plants containing floatable oils, fat or grease in excess of twenty-five (25) milligrams per liter.

<b>Compatible (Conventional) Pollutants</b>	<b>mg/L</b>
BOD	200
TSS	200
Ammonia nitrogen as N	25
Organic nitrogen as N	15
TKN as N	40
Total phosphorus as P	10
Phosphorus (soluble) as P	7
TDS	750

G. Lansdale Borough Wastewater Treatment Plant

<b>Toxic Pollutants</b>	<b>mg/L</b>
Cadmium, Total	0.3
Chromium, Total	6.0
Copper, Total	1.1
Lead, Total	1.2
Phenol, Total	0.2
Selenium, Total	0.3
Zinc, Total	1.7
Total Toxic Organics*	Monitor Only
Molybdenum, Total	0.4
PCB <sub>5</sub>	0.007
Any Single Toxic Organic*	Monitor Only
Bis (2-ethylhexyl) phthalate	0.21
Ethylbenzene	1.66
Methylene Chloride	0.31
Tetrachlorethane	0.01
Tetrachloroethene	0.25
Toluene	2.08
Butylbenzylphthalate	2.37
Di-n-butylphthalate	1.05
Flouranthene	2.00
Napthalene	3.98
Phenanthrene	0.05
<b>Compatible (Conventional) Pollutants</b>	<b>mg/L</b>
BOD <sub>5</sub> **	750 (Daily Average Concentration)
TSS**	750 (Daily Average Concentration)
Ammonia nitrogen as NH <sub>3</sub> -N**	50 (Daily Average Concentration)
Phosphate as P	10 (Daily Average Concentration)

No User may discharge Total Dissolved Solids (TDS) in amounts which cause or contribute to pass through or interference at the POTW or in violation of any other portion of this Part 1.

Oil and Grease:

Instantaneous maximum concentration of oil and grease shall not exceed 100 mg/l.

## NOTES

\* Total Toxic Organics (TTO) is defined as the sum of all concentrations greater than the detection limit of the volatile organics, acid extractable and base/neutral extractable compounds of the 126 priority pollutants. No User may discharge any Single Toxic Organic pollutant or combination of Toxic Organic Pollutants in amounts which cause or contribute to pass through or interference at the POTW.

\*\* Any User which discharges wastewater to the Borough's sewer system having concentrations of Five Day Biochemical Oxygen Demand (BOD<sub>5</sub>), total suspended solids (TSS) and ammonia-nitrogen (NH<sub>3</sub>-N) in excess the following concentrations will be subject to the Borough's Strength Surcharge Program:

- BOD<sub>5</sub> – 230 mg/L;
- TSS – 200 mg/L;
- NH<sub>3</sub>-N – 25 mg/L.

### H. Upper Gwynedd Township Wastewater Treatment Plant

<b>Toxic Pollutants</b>	<b>mg/L</b>
Aluminum	13.9
Arsenic	0.09
Cadmium	0.003
Copper	0.63
Cyanide, Free	0.05
Lead	0.04
Dichlorobromomethane	0.005
Zinc	0.77
Chlorodibromomethane	0.003
Chloroform	0.08
Chromium, Total	2.22
Chromium (+6)	0.15
Cyanide, Total	0.30
Cyanide, Amenable	0.05
Mercury	0.0005
Nickel	0.39
Phenols	44.0
Selenium	0.02
Silver	0.07
Residual Chlorine	0.60
Oil & Grease (Fog)	100
Color	200 PCU
pH	6.0 – 9.0 S.U.
Total Iron	Monitor Only

<b>Compatible (Conventional) Pollutants</b>	<b>mg/L</b>
CBOD-5	750
COD	1,500
TSS	750
Ammonia	50
Total Phosphorus as P	24.9

The Specific Pollutant Discharge Limitations listed above are the highest allowable concentration in any type of sample, either a grab or composite, collected over any time interval. All concentrations for metallic substances are for “total” metal, unless indicated otherwise.

The Specific Pollutant Discharge Limitations listed above apply at the point where the wastewater is discharged to the POTW or at the point designated by the POTW-TP.

- I. The above limits for toxic pollutants apply at the end of the process, prior to mixing with non-process flows, and for other pollutants apply at the point where the wastewater is discharged to the POTW which for purposes of this Part 1 includes all points within and throughout the collection system. All concentrations for metallic substances are for “total” metal unless indicated otherwise. The POTW-TP may impose mass limitations in addition to, or in place of, the concentration based limitations above. All studies performed by or on behalf of MTMSA to verify plant performance at a User’s request shall be conducted at that user’s sole expense. MTMSA and/or Montgomery Township may impose a surcharge by resolution or sewer rent ordinance or by including the surcharge in any permit for any exceedance of the compatible (conventional) pollutant limitations. All other violations for the other pollutants listed under Section 187-8 of this Part 1 shall be brought into compliance by the discharger.

As a condition of providing sewer service to Users, or of continuing sewer service to Users, and whether or not a permit has been issued for the discharge, MTMSA and/or the POTW-TP shall be permitted to enter upon a User’s property for the purpose of defining and quantifying pollutants being discharged to the POTW by the User. Should testing establish the presence of pollutants entering the POTW from the User’s property in excess of the limits established by this Part 1, and specifically this section, the user shall be responsible for all costs of testing plus a ten percent (10%) administrative charge.

- J. The POTW-TP may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement Local Limits and the requirements of Section 187-5 of this Part 1.



### **§ 187-9. POTW-TP's Right of Revision**

Each POTW-TP reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent Standards or Requirements on discharges to the POTW consistent with the purpose of this Part 1.

### **§ 187-10. Dilution**

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The POTW-TP may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

## **ARTICLE III Pretreatment of Wastewater**

### **§ 187-11. Pretreatment Facilities**

Users shall provide wastewater treatment as necessary to comply with this Part 1 and shall achieve compliance with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 187-5 of this Part 1 within the time limitations specified by EPA, the State, or the POTW-TP, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the POTW-TP and to the MTMSA for review, and shall be acceptable to the POTW-TP and the MTMSA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the POTW-TP and the MTMSA under the provisions of this Part 1.

### **§ 187-12. Additional Pretreatment Measures**

- A. Whenever deemed necessary, POTW-TP may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Part 1.
- B. The POTW-TP may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the POTW-TP or the MTMSA, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for

residential users unless a residential user who is contributing excessive amounts of grease, oil, or sand has first been given the opportunity to reduce the discharge by other means. All interception units shall be of a type and capacity approved by the POTW-TP and/or the MTMSA and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at its expense, in accordance with any procedure for the installation and maintenance of grease traps as may be established from time to time by the POTW-TP and/or MTMSA.

- D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

#### **§ 187-13. Accidental Discharge/Slug Discharge Control Plans**

At least once every two (2) years, the POTW-TP or MTMSA shall evaluate whether each SIU needs an accidental discharge/slug discharge control plan or other action to control Slug Discharges. The POTW-TP or the MTMSA may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Alternatively, the POTW-TP or the MTMSA may develop such a plan for any User. An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the POTW-TP and the MTMSA of any accidental or Slug Discharge, as required by Section 187-35 of this Part 1; and
- D. Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

#### **§ 187-14. Hauled Wastewater**

- A. Septic tank wastewater may be introduced into the POTW only at locations designated by the POTW-TP or MTMSA, and at such times as are established by the POTW-TP or MTMSA. Such wastewater shall not violate Article II of this Part 1 or any other requirements established by the POTW-TP or MTMSA. The POTW-TP or MTMSA may require septic tank wastewater haulers to obtain wastewater discharge permits. The POTW-TP and/or MTMSA may collect samples of each hauled load to ensure compliance with applicable standards.
- B. The POTW-TP or MTMSA may require haulers of industrial wastewater to obtain wastewater discharge permits. The POTW-TP or MTMSA may require generators of hauled

industrial wastewater to obtain wastewater discharge permits and/or to provide a disclosure affidavit as to the nature of the wastewater. The POTW-TP or MTMSA also may prohibit the disposal of hauled industrial wastewater. The discharge of hauled industrial wastewater is subject to all other requirements of this Part 1.

- C. Industrial wastewater haulers may discharge loads only at locations designated by the POTW-TP or MTMSA. No load may be discharged without prior consent of the POTW-TP or MTMSA. The POTW-TP or MTMSA may collect samples of each hauled load to ensure compliance with applicable Standards. The POTW-TP or MTMSA may require the industrial wastewater generator and/or hauler to provide a wastewater analysis of any load prior to discharge.
- D. Industrial wastewater haulers must provide a wastewater-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial wastewater hauler, permit number, truck identification, names and addresses of sources of wastewater, and volume and characteristics of wastewater. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.
- E. MTMSA and/or the POTW-TP may require each industrial wastewater hauler to post a bond indemnifying MTMSA and/or the POTW-TP, their consultants, employees and agents from any damages the industrial wastewater hauler's wastewater may cause to the POTW, POTW-TP, employees, third parties and the environment. Should the wastewater contaminate other waste or wastewater, the industrial wastewater hauler shall be responsible for the complete removal and disposal of such contaminated waste or wastewater at his expense.

#### ARTICLE IV Wastewater Discharge Permits

##### **§ 187-15. Wastewater Analysis**

When requested by the POTW-TP or MTMSA, a User must submit information on the nature and characteristics of its wastewater within [fifteen(15)] days of the request. The POTW-TP or MTMSA is authorized to prepare a form for this purpose and may periodically require Users to update this information.

##### **§ 187-16. Wastewater Discharge Permit Requirement**

- A. No Significant Industrial User shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the POTW-TP, except that a Significant Industrial User that has filed a timely application pursuant to Section 187-17 of this Part 1 may continue to discharge for the time period specified therein.
- B. The POTW-TP may require other Users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part 1.

- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part 1 and subjects the wastewater discharge permittee to the sanctions set out in Articles X through XII of this Part 1. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

#### **§ 187-17. Wastewater Discharge Permitting: Existing Connections**

Any User that had obtained a wastewater discharge permit from the MTMSA and/or the POTW-TP prior to the effective date of this Part 1 may continue to discharge wastewater into the POTW in accordance with the provisions of the aforementioned permit. However, the User must renew the wastewater discharge permit in accordance with the provisions of this Part 1 prior to the expiration of the existing permit. Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part 1 without virtue of a wastewater discharge permit issued by the MTMSA and/or the POTW-TP and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the POTW-TP or MTMSA for a wastewater discharge permit in accordance with Section 187-19 of this Part 1, and shall not cause or allow discharges to the POTW to continue after sixty (60) days of the effective date of this Part 1 except in accordance with a wastewater discharge permit issued by the POTW-TP or MTMSA.

#### **§ 187-18. Wastewater Discharge Permitting: New Connections**

Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 187-19 of this Part 1, must be filed at least thirty (30) days prior to the date upon which any discharge will begin or recommence.

#### **§ 187-19. Wastewater Discharge Permit Application Contents**

- A. All Users required to obtain a wastewater discharge permit must submit a permit application. The POTW-TP may require Users to submit all or some of the following information as part of a permit application:
- (1) Identifying Information.
    - a. The name and address of the facility, including the name of the operator and owner.
    - b. Contact information, description of activities, facilities, and plant production processes on the premises;
  - (2) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations.
    - a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and

- rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
- b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
  - c. Number and type of employees, hours of operation, and proposed or actual hours of operation;
  - d. Type and amount of raw materials processed (average and maximum per day);
  - e. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (4) Time and duration of discharges;
- (5) The location for monitoring all wastes covered by the permit;
- (6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).
- (7) Measurement of Pollutants.
- a. The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
  - b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the POTW-TP, of regulated pollutants in the discharge from each regulated process.
  - c. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
  - d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 187-39 of this Part 1. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the POTW-TP or the applicable Standards to determine compliance with the Standard.
  - e. Sampling must be performed in accordance with procedures set out in Section 187-40 of this Part 1.
- (8) Any requests for a monitoring waiver (or a renewal of an approved monitoring waiver) for a pollutant neither present nor expected to be present

in the discharge based on Section 187-33 B of this Part 1 [40 CFR 403.12(e)(2)].

- (9) Any other information as may be deemed necessary by the POTW-TP to evaluate the permit application.
- B. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.

#### **§ 187-20. Application Signatories and Certifications**

- A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 187-43 A of this Part 1.
- B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the POTW-TP prior to or together with any reports to be signed by an Authorized Representative.
- C. A facility determined to be a Non-Significant Categorical Industrial User by the POTW-TP (See definition in Section 187-4 of this Part 1) must annually submit the signed certification statement in Section 187-43 B of this Part 1.

#### **§ 187-21. Wastewater Discharge Permit Decisions**

The POTW-TP will evaluate the data furnished by the User and may require additional information. Within ninety (90) days of receipt of a complete permit application, the POTW-TP will determine whether to issue a wastewater discharge permit. The POTW-TP may deny any application for a wastewater discharge permit.

### **ARTICLE V Wastewater Discharge Permit Issuance**

#### **§ 187-22. Wastewater Discharge Permit Duration**

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the POTW-TP. Each wastewater discharge permit will indicate a specific date upon which it will expire.

#### **§ 187-23. Wastewater Discharge Permit Contents**

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the POTW-TP to prevent Pass Through or Interference, protect the quality of the water body

receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the POTW-TP or MTMSA in accordance with Section 187-26 of this Part 1, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law.
- (5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the Discharge in accordance with Section 187-33 of this Part 1.
- (6) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (7) Requirements to control Slug Discharge, if determined by the POTW-TP to be necessary.
- (8) Any grant of the monitoring waiver by the POTW-TP (per Section 187-33 of this Part 1) must be included as a condition in the User's permit [or other control mechanism].

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to

reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the POTW-TP to ensure compliance with this Part 1, and State and Federal laws, rules, and regulations.

**§ 187-24. Permit Appeals.** The POTW-TP and/or the MTMSA shall provide public notice of the issuance of a wastewater discharge permit for a significant industrial user and for an industry requiring categorical and pretreatment standards. All other wastewater discharge permits issued by the POTW-TP and/or MTMSA are for the convenience of the POTW-TP and/or MTMSA and are available for public inspection at the POTW-TP and/or MTMSA offices during normal business hours. Any person, including the User, may petition the POTW-TP and/or MTMSA to reconsider the terms of any wastewater discharge permit within thirty (30) days of notice of its issuance.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- (3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- (4) If the POTW-TP fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a



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

- (5) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County, Pennsylvania within the period prescribed by Pennsylvania's Local Agency Law, 2 PA. C.S.A. Section 105, et. seq.

#### **§ 187-25. Permit Modification**

- A. The POTW-TP may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the wastewater discharge permit issuance;
- (3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the POTW, the POTW-TP, POTW or POTW-TP personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- (7) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 187-26 of this Part 1.

#### **§ 187-26. Wastewater Discharge Permit Transfer**

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the POTW-TP and the POTW-TP approves the wastewater discharge permit transfer. The notice to the POTW-TP must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit .

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

#### **§ 187-27. Wastewater Discharge Permit Revocation**

The POTW-TP may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the POTW-TP of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the POTW-TP of changed conditions pursuant to Section 187-34 of this Part 1;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the POTW-TP or MTMSA timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;

- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Part 1.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a User are void upon the issuance of a new wastewater discharge permit to that User.

#### **§ 187-28. Wastewater Discharge Permit Reissuance**

A User with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 187-19 of this Part 1, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing wastewater discharge permit, unless a different time frame is set forth in the User's permit.

#### **§ 187-29. Regulation of Waste Received from Other Jurisdictions**

- A. Pursuant to the Pennsylvania Pretreatment Works Penalty Law (Act 9 of 1992), the POTW-TP reserves the right to regulate waste entering the POTW regardless of its point of origin.
- B. Each municipality which utilizes the POTW-TP shall;
  - (1) Adopt a sewer use ordinance which is at least as stringent as this Part 1 and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 187-8 of this Part 1. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the POTW-TP ordinance or Local Limits;
  - (2) Enforce its respective Sewer Use Ordinances with respect to the discharges within each of its jurisdictions. The enforcement of a particular municipality's Sewer Use Ordinance shall be a joint and cooperative effort between the municipality which utilizes the POTW, and staff from the POTW-TP and/or the municipality with primary responsibility for the POTW treatment plant operations and MTMSA. The POTW-TP and the municipality with primary responsibility for the POTW-TP operations reserve all rights which they may have to either undertake enforcement pursuant to the Pennsylvania Pretreatment Works Penalty Law, and/or to seek enforcement of any inter-municipal agreement which may require the cooperation of the municipality which fails or refuses to act.

- (3) Submit a revised User inventory on at least an annual basis;
- (4) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by POTW-TP; and which of these activities will be conducted jointly by the contributing municipality and POTW-TP;
- (5) Provide the POTW-TP with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (6) Mandate limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (7) Include requirements for monitoring the contributing municipality's discharge; and
- (8) Provide the POTW-TP access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the POTW-TP.

## ARTICLE VI Reporting Requirements

### § 187-30. Baseline Monitoring Reports

- A. Within either one hundred eighty (180) days after the effective date of a categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW shall submit to the POTW-TP or MTMSA a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable categorical Standard, shall submit to the POTW-TP or MTMSA a report which contains the information listed in paragraph B, below. A New Source shall report the method of pretreatment it intends to use to meet applicable categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below.
  - (1) All information required in Section 187-19 A (1) (a), Section 187-19 A (2), Section 187-19 A (3) (a), and Section 187-19 A (6) of this Part 1.

- (2) Measurement of pollutants.
  - a. The User shall provide the information required in Section 187-19 A (7) (a) through (d) of this Part 1.
  - b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
  - c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;
  - d. Sampling and analysis shall be performed in accordance with Section 187-39 of this Part 1;
  - e. The POTW-TP may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
  - f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.
- (3) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 187-4 of this Part 1 and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
- (4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 187-31 of this Part 1.
- (5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 187-43 A of this Part 1 and signed by an Authorized Representative as defined in Section 187-4 of this Part 1.

### **§ 187-31. Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 187-30 B (4) of this Part 1:

- 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- B. No increment referred to above shall exceed nine (9) months;
- C. The User shall submit a progress report to the POTW-TP or MTMSA no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the POTW-TP or MTMSA.

### **§ 187-32. Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the POTW-TP or MTMSA a report containing the information described in Section 187-19 A (6) and (7) and 187-30 B (2) of this Part 1. For Users subject to equivalent mass or concentration limits, this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 187-43 A of this Part 1. All sampling will be done in conformance with Section 187-40 of this Part 1.

### **§ 187-33. Periodic Compliance Reports**

- A. All Significant Industrial Users must, at a frequency determined by the POTW-TP but in no case less than twice per year (June and December) submit to the POTW-TP and the MTMSA reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be prepared in accordance with the requirements of Section 187-30 B of this Part 1. In the event that the months for submission of the reports are altered by the POTW-TP, factors such as local high or low flow

rates, holidays, budget cycles, etc. shall be taken into consideration. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the POTW-TP or the Pretreatment Standard necessary to determine the compliance status of the User.

- B. The POTW-TP or MTMSA may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. [see 40 CFR 403.12(e)(2)] This authorization is subject to the following conditions:
- (1) The waiver may be authorized where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.
  - (2) The monitoring waiver is valid only for the duration of the effective period of the wastewater discharge permit, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent wastewater discharge permit. See Section 187-19 A (8) of this Part 1.
  - (3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
  - (4) The request for a monitoring waiver must be signed by the authorized or duly authorized representative of the industrial, commercial, institutional, or significant industrial user as defined in Section 187-4 of this Part 1, and include the certification statement in Section 187-43 A of this Part 1 (40 CFR 403.6(a)(2)(ii)).
  - (5) Non-detectable sample results may be used only as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR Part 136 with the lowest minimum detection level for that pollutant was used in the analysis.
  - (6) Any grant of the monitoring waiver by the POTW-TP must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the POTW-TP for 3 years after expiration of the waiver.

- (7) Upon approval of the monitoring waiver and revision of the User's permit by the POTW-TP, the Industrial User must certify on each report with the statement in Section 187-43 C below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User.
  - (8) In the event that a waived pollutant is found to be present or is expected to be present because of changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of Section 187-33 A of this Part 1, or other more frequent monitoring requirements imposed by the POTW-TP, and notify the POTW-TP.
  - (9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.
- C. All periodic compliance reports must be signed and certified in accordance with Section 187-43 A of this Part 1.
- D. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- E. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the POTW-TP, using the procedures prescribed in Section 187-40 of this Part 1, the results of this monitoring shall be included in the report.

#### **§ 187-34. Reports of Changed Conditions**

Each User must notify the POTW-TP or MTMSA of any significant changes to the User's operations or system which might alter the nature, quality, or volume of its wastewater at least sixty (60) days before the change.

- A. The POTW-TP or MTMSA may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 187-19 of this Part 1.
- B. The POTW-TP or MTMSA may issue a wastewater discharge permit under Section 187-28 of this Part 1 or modify an existing wastewater discharge permit under Section 187-25 of this Part 1 in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.



### **§ 187-35. Reports of Potential Problems**

- A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the POTW-TP or MTMSA of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User along with the identity of the person or persons believed to be responsible for the discharge.
- B. Within five (5) days following such discharge, the User shall, unless waived by the POTW-TP, submit to the POTW-TP or MTMSA a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Part 1.
- C. 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 paragraph A, above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- D. Significant Industrial Users are required to notify the POTW-TP immediately of any changes at its facility affecting the potential for a Slug Discharge.

### **§ 187-36. Reports from Unpermitted Users**

All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the POTW-TP or MTMSA as the POTW-TP or MTMSA may require.

### **§ 187-37. Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a User indicates a violation, the User must notify the POTW-TP or MTMSA within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling within seven (7) days of becoming aware of the violation and perform the repeat analysis and submit the results of the repeat analysis to the POTW-TP or MTMSA within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the POTW-TP performs sampling at the User's facility at least once a month, or if the POTW-TP performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the POTW-TP receives the results of this sampling, or if the POTW-TP has performed the sampling and analysis in lieu of the Industrial User.

### **§ 187-38. Prohibition of the Discharge of Hazardous Waste**

- A. No User shall discharge hazardous waste or any substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 into the POTW or POTW-TP. The prohibition in this Section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Sections 187-30, 187-32, and 187-33 of this Part 1.
- B. In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the POTW-TP or MTMSA, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- C. 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.
- D. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part 1, a permit issued thereunder, or any applicable Federal or State law.

### **§ 187-39. Analytical Requirements**

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW-TP or other parties approved by EPA.

### **§ 187-40. Sample Collection**

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

- A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the POTW-TP. Where time-proportional composite sampling or grab sampling is authorized by the POTW-TP, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the

laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the POTW-TP, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

- B. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 187-30 and 187-32 of this Part 1 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the POTW-TP may authorize a lower minimum. For the reports required by paragraphs Section 187-33 of this Part 1 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

#### **§ 187-41. Date of Receipt of Reports**

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

#### **§ 187-42. Recordkeeping**

Users subject to the reporting requirements of this Part 1 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part 1, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 187-8 J of this Part 1. Records shall include the date, exact place, method (including sample preservation), and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User, the POTW-TP, the municipality, the MTMSA, or where the User has been specifically notified of a longer retention period by the POTW-TP or MTMSA.

#### **§ 187-43. Certification Statements**

- A. Certification of Permit Applications, User Reports and Initial Monitoring Waiver—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 187-20 of this Part 1; Users submitting

baseline monitoring reports under Section 187-30 B (5) of this Part 1; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 187-32 of this Part 1; Users submitting periodic compliance reports required by Section 187-33 A–C of this Part 1, and Users submitting an initial request to forego sampling of a pollutant on the basis of Section 187-33 B (4) of this Part 1. The following certification statement must be signed by an Authorized Representative as defined in Section 187-4 of this Part 1:

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

- B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the POTW-TP (as defined in Section 187-4 of this Part 1) and 187-20 C of this Part 1 must annually submit the following certification statement signed in accordance with the signatory requirements (as defined in Section 187-4 of this Part 1). This certification must accompany an alternative report required by the POTW-TP:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]:

(a) The facility described as \_\_\_\_\_  
[facility name] met the definition of a Non-Significant Categorical Industrial User as defined in Section 187-4 of the Montgomery Township Sewer Use Ordinance;

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

This compliance certification is based on the following information.

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C. Certification of Pollutants Not Present

Users that have an approved monitoring waiver based on Section 187-33 B of this Part 1 must certify on each report with the following statement that there has been no increase in the pollutant in its wastestream due to activities of the User.

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR \_\_\_\_\_ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of \_\_\_\_\_ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under Section 187-33 A of this Part 1.

ARTICLE VII  
**Compliance Monitoring**

**§ 187-44. Right of Entry: Inspection and Sampling**

The POTW-TP or MTMSA shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Part 1 and any wastewater discharge permit or order issued hereunder. The POTW-TP shall notify the MTMSA prior to entry of a User's premises. Users shall allow the POTW-TP or MTMSA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. Such requests for inspection and sampling do not require advance notice to the User and POTW-TP and MTMSA personnel shall be admitted to the User's premises for such purpose regardless whether advance notice was given to the User.

- A. Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the POTW-TP or MTMSA shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The POTW-TP or MTMSA shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.
- C. The POTW-TP or MTMSA may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal

request of the POTW-TP or MTMSA and shall not be replaced. The costs of clearing such access shall be born by the User.

- E. Unreasonable delays in allowing the POTW-TP or MTMSA access to the User's premises shall be a violation of this Part 1.
- F. When it would be impractical or cause undue hardship on the User to situate the monitoring facility on the User's premises, the municipality may allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and measuring equipment shall be maintained at all times in a safe and proper condition at the expense of the User.

#### **§ 187-45. Search Warrants**

If the POTW-TP or MTMSA 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 1, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the POTW-TP or MTMSA designed to verify compliance with this Part 1 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the POTW-TP or MTMSA may seek issuance of a search warrant from the District Justice in whose jurisdiction the property is situate.

### **ARTICLE VIII Confidential Information**

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

### **ARTICLE IX Publication of Users in Significant Noncompliance**

The POTW-TP shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at

any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Article II of this Part 1;
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Article II of this Part 1 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other violation of a Pretreatment Standard or Requirement as defined by Article II of this Part 1 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the POTW-TP determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the POTW-TP's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation(s), which may include a violation of Best Management Practices, which the POTW-TP determines will adversely affect the operation or implementation of the local pretreatment program.

## ARTICLE X

### Administrative Enforcement Remedies

The municipalities with primary responsibility for the POTWs and the POTW-TPs, in conjunction with MTMSA and/or the Township, are fully empowered to undertake all enforcement remedies set forth below in order to assure user compliance with all State and Federal laws and regulations. The enforcement actions described herein will be undertaken pursuant to the POTW-TP's duly adopted and EPA-approved Enforcement Response Guide, a Federally mandated statement of policy which provides fair and even application of all enforcement remedies to users in violation, such document being available at all times for public inspection. In addition, the municipalities with primary responsibility for the POTWs, MTMSA and the POTW-TPs retain each and every right and power granted pursuant to the "Publicly Owned Treatment Works Penalty Law" also known as Act 9 of 1992, in addition to any amendments thereto.

**SURCHARGE IN LIEU OF ENFORCEMENT REMEDY.** With respect to compatible pollutants (as defined in Section 187-4 of this Part 1), the POTW-TPs may, from time to time and at their discretion, adopt a policy whereby certain specifically identified conventional pollutants are permissibly discharged to the POTW for removal at the POTW-TP, with the cost of such removal to be borne by the discharger. The POTW-TP may expand or limit the list of compatible pollutants to which this surcharge system applies based upon the POTW-TP's capacity/ability to effectively remove particular compatible pollutants. In the event that a compatible pollutant is within the scope of the surcharge system as it exists at the time of discharge, then such compatible pollutant discharge shall not be considered a violation of this Part 1. However, any failure to pay the surcharge cost for the POTW-TP's removal of the pollutant shall itself be considered a violation of this Part 1 and subject to enforcement action, in addition to all generally held rights of collection. At no time shall the surcharge factor as calculated by the respective POTW-TP be greater than or equal to 1.7 where 1.0 equals the sum of the values related to compatible pollutants including flow.

#### **§ 187-46. Notification of Violation**

When the POTW-TP or MTMSA finds that a User has violated, or continues to violate, any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW-TP or MTMSA may serve upon that User a written Notice of Violation. The specific manner in which such Notice of Violation shall be issued, and the terms and conditions pursuant to which the User shall respond or correct the violation, shall be as set forth in the Enforcement Response Guide. When the Notice of Violation includes a plan for dissatisfactory correction and prevention of the violation, submission of such plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the authority of the POTW-TP or MTMSA to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

#### **§ 187-47. Consent Orders**

The POTW-TP or MTMSA may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance.



Such documents shall include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 187-49 and 187-50 of this Part 1 and shall be judicially enforceable.

**§ 187-48. Show Cause Hearing**

- A. The POTW-TP or MTMSA may order a User which has violated, or continues to violate, any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any Authorized Representative of the User as defined in Section 187-4 and required by Section 187-20 A of this Part 1. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.
- B. Any hearing conducted pursuant to this section shall be presided over by a Committee (hereinafter "Committee"), composed of three (3) persons, including two (2) persons designated by the POTW-TP and one (1) persons designated by MTMSA. In the event that the POTW-TP or MTMSA fails to designate a hearing participant, then the other member(s) shall designate an individual to so serve. The Committee may itself conduct a hearing and take the evidence or may designate any of its members or any officer or employee of the POTW-TP or MTMSA to:
  - (1) Issue in the name of the Committee, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
  - (2) Take the evidence.
  - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Committee for action thereon.
- C. At any hearing held pursuant to this Part 1, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- D. After the Committee has reviewed the evidence, it may issue an order, through the MTMSA Manager (who shall actually issue the order), to the User responsible for the discharge directing that following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances shall have been installed

on existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives, as are necessary and appropriate, may be issued.

- E. Any user aggrieved by the enforcement of this Part 1 may take an appeal to the Court of Common Pleas of Montgomery County, Pennsylvania, and have a hearing thereon, if the appeal is filed in accordance with the provisions of the Local Agency Law, 2 PA.C.S.A. Section 105, et seq., including the time period for appeal prescribed therein.

#### **§ 187-49. Compliance Orders**

When the POTW-TP or MTMSA finds that a User has violated, or continues to violate, any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW-TP or MTMSA may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **§ 187-50. Cease and Desist Orders**

When the POTW-TP or MTMSA finds that a User has violated, or continues to violate, any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the POTW-TP or MTMSA may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

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

#### **§ 187-51. Administrative Fines**

- A. When MTMSA or the POTW-TP finds that a user has violated, or continues to violate, any provision of this Part 1, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, MTMSA or the POTW-TP may fine user in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per day or any greater amount

which might be permitted by amendment to the POTW Penalty Law. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. The actual amount of the fine in a particular case shall account for the factors set forth in the Enforcement Response Guide and in any separately adopted Statements of Policy on the imposition of fines pursuant to the POTW Penalty Law.

- B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and if the unpaid charges, fines and penalties are not paid after sixty (60) calendar days, the aggregate amount thereof shall bear interest from the penalty date at the rate of eighty-three hundredth percent (0.83%) per month [ten percent (10%) per year]. A lien against the user's property will be sought for unpaid charges, fines, and penalties.
- C. A user charged with a violation shall have 30 days to pay the proposed penalty in full, or, if the user wishes to contest either the amount of the penalty or the fact of the violation, the user must file an appeal of the action within 30 days to the Court of Common Pleas of Montgomery County, Pennsylvania. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.
- D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### **§ 187-52. Emergency Suspensions**

The POTW-TP or MTMSA may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. The POTW-TP or MTMSA may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the POTW-TP or MTMSA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The POTW-TP or MTMSA may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the POTW-TP or MTMSA that the period of endangerment has passed, unless the termination proceedings in Section 187-53 of this Part 1 are initiated against the User.
- B. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the POTW-TP or

MTMSA prior to the date of any show cause or termination hearing under Sections 187-48 or 187-53 of this Part 1.

Nothing in this Section shall be interpreted as requiring a hearing prior to any Emergency Suspension under this Section.

#### **§ 187-53. Termination of Discharge**

In addition to the provisions in Section 187-27 of this Part 1, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Article II of this Part 1.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 187-48 of this Part 1 why the proposed action should not be taken. Exercise of this option by the POTW-TP shall not be a bar to, or a prerequisite for, taking any other action against the User.

### **ARTICLE XI Judicial Enforcement Remedies**

#### **§ 187-54. Injunctive Relief**

When the POTW-TP or MTMSA finds that a User has violated, or continues to violate, any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the POTW-TP or MTMSA may petition the Court of Common Pleas of Montgomery County, through the attorney for the MTMSA and/or the POTW-TP for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Part 1 on activities of the User. The POTW-TP or MTMSA may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **§ 187-55. Civil Penalties**

In the event that MTMSA or the POTW-TP is required to seek court redress, for violations of this Part 1, then all amounts recoverable elsewhere herein as administrative fines shall be recoverable as civil penalties; attorney's fees, court costs, and related expenses shall also be recoverable. Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **§ 187-56. Criminal Prosecution**

In the event that any discharge or other violation of this Part 1 constitutes a violation of any criminal or penal statute, then in addition to all enforcement remedies described elsewhere in this Part 1, MTMSA and the POTW-TP or the participating municipalities shall have the unfettered right to initiate and/or assist in any State or Federal criminal proceedings as a result of such violation. Examples of criminal conduct in connection with a violation include, but are not limited to, knowing or intentional introduction of any substance into the POTW-TP which causes injury to persons or property, otherwise undertaking any act or failing to undertake any act which recklessly endangers the well-being of the community or plant personnel, falsification of documents required to be filed pursuant to this Part 1, and tampering with or otherwise rendering inaccurate a monitoring device or similar equipment.

### **§ 187-57. Remedies Nonexclusive**

The remedies provided for in this Part 1 are not exclusive. The POTW-TP or MTMSA may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the POTW-TP's Enforcement ResponseGuide. However, the POTW-TP or MTMSA may take other action against any User when the circumstances warrant. Further, the POTW-TP or MTMSA is empowered to take more than one enforcement action against any noncompliant User.

## **ARTICLE XII Supplemental Enforcement Action**

### **§ 187-58. Performance Bonds**

The POTW-TP may decline to issue or reissue a wastewater discharge permit to any User who has failed to comply with any provision of this Part 1, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless such User first files a satisfactory bond, payable to the POTW-TP, in a sum not to exceed a value determined by the POTW-TP to be necessary to achieve consistent compliance.

### **§ 187-59. Liability Insurance**

The POTW-TP may decline to issue or reissue a wastewater discharge to any User who has failed to comply with any provision of this Part 1, a previous wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, unless the User first submits proof

that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### **§ 187-60. Water Supply Severance**

Whenever a User has violated or continues to violate any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated to the POTW-TP or MTMSA its ability to comply.

#### **§ 187-61. Public Nuisances**

A violation of any provision of this Part 1, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement is hereby declared a public nuisance to the extent that it constitutes such nuisance as defined by Pennsylvania law or municipal order.

### **ARTICLE XII AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

#### **§ 187-62. Upset**

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

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

#### **§ 187-63. Prohibited Discharge Standards**

A User shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 187-5 A of this Part 1 or the specific prohibitions in Sections 187-5 B of this Part 1 if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause Pass Through or Interference and that either:

- A. A Local Limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the Pass Through or Interference; or
- B. No Local Limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the POTW-TP was regularly in compliance with its NPDES permit, and in the case of Interference, was in compliance with applicable sludge use or disposal requirements.

#### **§ 187-64. Bypass**

- A. For the purposes of this Section,
  - (1) Bypass means the intentional diversion of wastestreams from any portion of a User's treatment facility.
  - (2) Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable,

or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this Section.

C. Bypass Notifications

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

D. Bypass

- (1) Bypass is prohibited, and an enforcement action against a User for a bypass, may be undertaken unless
  - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
  - (b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
  - (c) The User submitted notices as required under paragraph (C) of this section.



- (2) The POTW-TP or MTMSA may approve an anticipated bypass, after considering its adverse effects, if the POTW-TP or MTMSA determines that it will meet the three conditions listed in paragraph (D)(1) of this Section.

#### ARTICLE XIV **Building Sewers and Connections**

##### **§ 187-65. Permit Required.**

No unauthorized persons (i.e., persons other than personnel of MTMSA) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the MTMSA Manager.

##### **§ 187-66. Classes of Permit; Information Required; Unauthorized Connection Prohibited.**

There shall be three (3) classes of building sewer permits: (a) for residential service; (b) for commercial service; and (c) for industrial service. In all cases, the owner or his agent shall make application on a special form furnished by MTMSA. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of MTMSA. A permit and inspection fee for a residential, commercial and industrial building sewer permit shall be paid to MTMSA at the time the application is filed. Permit and inspection fees for sewer permits shall be in such amounts as may be established from time to time by MTMSA through Resolution. No property, building or structure or use thereof, other than that described in the building sewer permit, shall at any time be connected with or attached to a public sewer.

##### **§ 187-67. Bearing of Costs; Indemnification.**

All costs and expenses incidental to the installation, connection, and maintenance of the building sewer shall be borne by the owner or User, who shall indemnify MTMSA and Montgomery Township from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.

##### **§ 187-68. Separate Sewers.**

A separate and independent building sewer shall be provided for every building or any part of any building as may be determined by MTMSA.

##### **§ 187-69. Use of Old Sewers.**

Old building sewers may be used in connection with new buildings only when they are found, upon examination and test by MTMSA, to meet all requirements of this Part 1.

#### **§ 187-70. Conformance to Codes.**

The size, slope, alignment, materials or construction of a building sewer and lateral, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench shall conform to the requirements of the building and plumbing codes and/or other applicable rules and regulations of MTMSA and Montgomery Township.

#### **§ 187-71. Grease Traps.**

- A. In order to prevent grease, oil, fats and sand, see Section 187-5 B (17) of this Part 1 and the other sections referenced therein (hereinafter collectively “grease”) from being discharged into the public sewage system, all New Users or Users who have a change in use of their facilities, including but not limited to hospitals, nursing homes, schools, hotels, restaurants, convenience stores, automobile dealers and service stations, tool and die works, and any other Users engaged in operations which introduce grease into the sewer system, shall install and properly maintain one (1) or more grease trap(s) of a size, type and capacity approved by MTMSA.
- B. Any User whose establishment predates this Part 1 and which causes the clogging of any lines, meters or pumps with grease shall be responsible for promptly cleaning out its own line(s) and the User shall be responsible for reimbursing MTMSA for all cost incurred by MTMSA in cleaning out any lines, meters, or pumps. Any such User whose grease discharge requires more than one (1) clean-up of grease in any twelve (12) month period shall be required to install and properly maintain one (1) or more grease trap(s), of a type, size and capacity approved by MTMSA.
- C. The grease trap(s) shall be located outside of the establishment so as to be readily and easily accessible for cleaning and inspection, and so that grease will be more apt to solidify and thus be susceptible for being trapped. Unless a different design is permitted and approved by MTMSA, the sewer line(s) in which the grease trap(s) is/are located shall carry nothing but waste water from the kitchen drains and other drains into which grease is deposited, and there shall be no other waste water carried in this/these line(s). The use of grease emulsifiers is strictly prohibited.
- D. Every User that is required to install one (1) or more grease trap(s) shall be issued a special permit by MTMSA setting forth the size, and specifications for installation, with installation to be subject to inspection and approval by MTMSA; and how often each trap must be cleaned out. This permit shall require the User to certify in writing every six (6) months on a form provided by MTMSA that each trap has been cleaned out according to the required schedule in the previous six (6) months and shall also state the date of the clean out(s) and the person or entity who did this work.
- E. MTMSA shall have the right to inspect any User’s property, whether or not a grease trap has been installed, at any reasonable time or times without notice to determine whether the user is in compliance with the requirements of this section.

- F. In cases where a User's establishment contains multiple uses, each of which would otherwise require a grease trap, it shall be sufficient for the User to utilize one or more grease trap(s) for all of the uses, provided the trap(s) is/are of a size, type and capacity to handle all of the grease to be introduced into the sewer system from the User's multiple use establishment. The determination as to the required number of grease traps for multiple use buildings shall be subject to the sole discretion of the POTW-TP and/or MTMSA.
- G. In the enforcement of this section, the User shall also pay the reasonable costs and fees incurred by MTMSA by having to engage the services of its consulting engineers and solicitor in connection with the administration of the requirements of this section and, in addition, any user shall also be required to pay the cost of any damages to MTMSA's sewage system by reason of the discharge of grease into the system.

#### **§ 187-72. Elevation.**

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a method approved by MTMSA and discharged to the building sewer.

#### **§ 187-73. Surface Runoff and Groundwater.**

No person shall make connection of sump pumps, roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a POTW unless such connection is approved in writing by MTMSA for purposes of disposal of polluted surface drainage.

#### **§ 187-74. Connection to Lateral.**

The connection of the building sewer to the lateral installed on the POTW collection system shall conform to the requirements of the building and plumbing codes or other applicable standards set forth in MTMSA's "Standard Specifications for the Construction of Sanitary Sewers, Force Mains, Pump Stations, and Wastewater Treatment Plants" latest edition. All such connections shall be made gas-tight and water-tight, and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by MTMSA before installation.

#### **§ 187-75. Inspection, Supervision of Connection.**

The applicant for the building sewer permit shall notify the MTMSA Manager when the building sewer is ready for inspection and connection to the POTW. In the event that the applicant installs the lateral, he shall notify the MTMSA Manager when the lateral is ready for inspection before the trench is backfilled. The connection to the public sewer and testing shall be made under the supervision of the MTMSA Manager or his representative.

**§ 187-76. Safety Measures; Guarding of Hazard; Restoration.**

All safety measures during construction or installation of sewer facilities by an owner shall be the sole responsibility of the owner and his agents and contractors and shall conform to all Federal, State and local laws and regulations. All excavations for building sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in a manner satisfactory to MTMSA and Montgomery Township.

**§ 187-77. Conditions Prior to Commencement of Work.**

No excavation, construction, or connection work shall be commenced within the Montgomery Township or MTMSA right-of-way until the owner, his agents and/or independent contractor shall comply with the regulations and requirements of the MTMSA including but not limited to: obtaining necessary permit or permits applicable to said work, paying all required tapping fees and connection fees, entering into a Tapping Fee and Development Agreement which shall set forth terms relating but not limited to indemnification of MTMSA, insurance coverage, and the applicant's being responsible for any damages to person or property in connection with any such work.

**§ 187-78. Owner.**

The term "owner" as used herein, shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers of the premises, users, and all other parties having a use or interest in the premises and occupying the same with or without the consent and permission of the owner of the fee title.

**§ 187-79. Capping of Unusual Points of Connection.**

Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the MTMSA Manager.

**ARTICLE XV**

**Sanitary Sewer Plan, Mandatory Connections, Conditions of Connection,  
Billing Procedures and Rates**

**§ 187-80. Plan; Rental Charges**

Montgomery Township is divided into separate sanitary sewer districts as designated by a plan prepared by MTMSA's Engineer and approved by the Township. This plan may be amended from time to time by the Township. A copy of the plan is on file at the Township offices. The sewer rental charges for the Users in all districts are set forth in Section 187-87 and the billing procedures are described hereinafter in Section 187-86 of this Part 1.

## **§ 187-81. Mandatory Connection to Public Sewers**

- A. Upon the completion of any public sewer to be operated by MTMSA, MTMSA shall cause notice of that fact to be published once in a newspaper of general circulation in the Township, such notice to state that owners of property accessible to such sewer and upon which there is an occupied building are compelled to make connection therewith. A copy of such notice, together with a schedule of the sewer connection fees and rents then in effect, shall be mailed by registered mail to each person known to MTMSA to own property accessible to such sewer, but failure to mail such copies or a defect in the mailed copies or a defect in the mailing thereof shall not affect the validity of the notice.
- B. Any person owning property accessible to a public sewer (as defined in Section 187-4 of this Part 1) on which there is an occupied building shall, at his own expense, install sanitary sewer facilities in such building and connect the same to the public sewer within sixty (60) days after publication of the notice of completion of the sewer specified in Subsection A above.
- C. Any person owning property accessible to a public sewer on which an occupied building is hereafter erected shall, at the time of erection and at his expense, install sanitary facilities in such building and connect the same to the public sewer.
- D. Persons owning properties not accessible to a public sewer because the principal occupied building is more than one hundred fifty (150) feet from such sewer and persons owning properties not accessible to a public sewer who are nevertheless able to arrange for connections thereto through intermediate properties may be permitted to make such connection upon approval of MTMSA.
- E. It shall be unlawful for any person owning or occupying a property on which there is a building required to be connected to a public sewer under the provisions of Subsection A to construct or use on such property any individual or community on-lot system or other device for the disposal of sewage. Any such prohibited systems or devices shall be abandoned in accordance with the requirements of the Montgomery County Health Department within thirty (30) days following the date on which the aforesaid connection is required to be made. The use of any such individual or community on-lot sewage system in violation of this section shall be subject to the penalties hereof and shall also be deemed to be a nuisance which shall be abated as provided by law.
- F. If any person required to make a connection to a public sewer by this Section fails to do so after reasonable notice and opportunity, MTMSA shall report such failure to the Township, and the Township or MTMSA may proceed as permitted by law to enter upon the property, make such connection and collect the cost thereof by municipal lien or otherwise.

## **§ 187-82. Connection Fees**

No connection shall be made to any public sewer except upon payment of the prescribed connection fee, customer facilities fee, tapping fee (capacity part, distribution or collection part and

special purpose part), reimbursement component and permit fee and upon permit issued by MTMSA pursuant to rules and regulations regarding connections promulgated by MTMSA and approved by the Township. The fees for purchasing capacity in MTMSA's sewer system shall be adopted from time to time by resolution of MTMSA.

#### **§ 187-83. Damage Prohibited**

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of MTMSA's sewage system. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.

#### **§ 187-84. Design Standards**

All sanitary sewers to be constructed within Montgomery Township and/or will discharge to the MTMSA POTW shall have all materials and details of construction and installation procedures conform to the requirements of the MTMSA's Standard Specifications for Construction of Sanitary Sewers, Force Mains, Pumping Stations and Wastewater Treatment Plants (latest edition).

#### **§ 187-85. Conditions of Connection**

All connections to the public sewage system are made upon the express understanding and agreement of the property owner and/or User that:

- A. Neither the Township, MTMSA nor any officer, employee or agent thereof shall be liable for any damage or expenses resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any house or have resulted from stoppages, damage or defects in any building sewer or drain, nor shall the Township nor MTMSA nor any officer, employee or agent thereof, be liable for a deficiency or failure of service when occasioned by an emergency, required repairs or failure from any cause beyond its or their control.
- B. MTMSA shall have the right to restrict the use of the sewer system whenever the public welfare may require it.
- C. MTMSA and its duly authorized agents shall have the right of access at all reasonable hours to all parts of any property, building or structure connected with the sewer system for the purpose of examining and inspecting the connections and fixtures or for disconnecting service or for any other proper purpose.
- D. The property owner and/or the User shall be obligated to maintain the sewer facilities, including laterals and sewer pipes and appurtenances, on its property in good repair, free from leaks of any type, and to fix, repair or replace any such facilities which are, in the sole discretion of MTMSA, causing or likely to cause inflow or infiltration (I/I) to the POTW. I/I shall include the introduction into the POTW of any of the pollutants, substances or wastewater identified in Section 187-5 B (12) of this Part 1 as well as I/I as defined in this

Part 1. Any property owner or User who causes or allows the occurrence of I/I shall be deemed to be creating a nuisance and shall be in violation of this Part 1 and, upon receipt of reasonable notice from MTMSA shall correct same within 30 days (or sooner if the situation presents an emergency or danger to the public health, safety and welfare). If the property owner or User does not take corrective measures, MTMSA or its authorized agents may take measures to abate the nuisance and thereafter collect the cost of such measures from the property owner and/or User. If payment is not made, MTMSA may file a municipal claim and/or a civil action.

- E. The property owner or User must give prompt written notice to MTMSA upon any change in ownership, change in tenant or change in use of any property connected to the sewage system.

#### **§ 187-86. Sewer Rent Billing**

- A. Residential Users

Each residential dwelling shall be billed for one (1) EDU of capacity. A “residential dwelling” shall be a single-family dwelling, each family unit of a multifamily dwelling (apartment, condominium, twin, townhouse, etc.) and a mobile home.

- B. Nonresidential Users

- (1) For all nonresidential, commercial or industrial uses, one (1) EDU shall equal sixty thousand (60,000) gallons of metered water consumption per year or fifteen thousand (15,000) gallons of metered water consumption per quarter, and the number of EDUs shall be computed by dividing the total number of gallons of water used for each quarter by fifteen thousand (15,000) and rounding off the next lower whole number if the decimal remainder is forty-nine hundredths (0.49) or less and to the next higher whole number if the decimal remainder is fifty hundredths (0.50) or more.
  - (2) Any nonresidential, commercial or industrial use not using a metered public water supply shall be required to install metering equipment in its water supply system for the purposes of determining its sewer rental. The type of equipment and installation procedures shall be subject to the prior review and approval of MTMSA. The installation and completion of the metering equipment shall be in accordance with the MTMSA’s specifications and subject to final inspection and approval by MTMSA. The User shall read the water meter quarterly and report the readings to the MTMSA at least thirty (30) days in advance of the MTMSA’s quarterly sewer rental billing. The water meter shall be calibrated by and at the expense of the owner in intervals of not less than five (5) years by a company approved by MTMSA and verification of the calibration shall be given to MTMSA. Representatives of MTMSA shall have the right of access into and upon the property of any user

to independently verify the water meter reading and to have the water meter independently calibrated.

- (3) For nonresidential, commercial and industrial uses, all water used on a property shall be metered for the purpose of determining the sewer rents, except as follows:
  - (a) Automatic sprinkling fire protection water can be excluded from the metering for sewer rent purposes if the water for this purpose has a separate meter.
  - (b) An industrial user utilizing a process using noncontact process water which does not flow into MTMSA's sewer system may apply to MTMSA for approval of a metering system which will exclude for billing purposes the water not introduced into MTMSA's sewer system.
  - (c) In the case of inaccurate or missing water meter readings, the succeeding annual average calculated after repair and replacement of the meter shall be used to estimate the water usage for the period having inaccurate or missing water meter readings. Payment for these quarterly periods of inaccurate or missing water meter readings shall be at least eighty percent (80%) of the water usage as estimated by MTMSA during the period in question. The account shall be reconciled after the year where accurate water meter readings have been determined, and the owner/user shall pay the amount due as determined by MTMSA within thirty (30) days, together with interest at ten percent (10%) per year.
  - (d) It shall be conclusively presumed that all nonresidential, commercial and industrial users discharge a minimum of eighty percent (80%) of their wastewater production over a twelve-hour period each day, with the remainder discharged over the remaining hours in the day.

#### C. Multiple Connections to Lateral

If two (2) or more dwellings, apartments, stores, offices or industrial units are connected through a single lateral or if two (2) or more families use separate cooking and/or toilet facilities in a single dwelling, the sewer rent shall be computed as though each such dwelling, apartment, store, office or industrial unit and each such family were a separate property or user with a separate connection to the public sewer.

#### D. Quarterly Payments

- (1) Residential sewer rents shall be payable in advance, and rent for each calendar quarter shall be billed and payable in accordance with the due dates



noted on the quarterly billing documentation issued by the MTMSA. Rent for the quarter in which a new connection is made shall be prorated and shall be billed in conjunction with the next regular quarterly billing or by special billing, as the official responsible for billing may elect.

- (2) Sewer rent for nonresidential, commercial, industrial and institutional users shall be billed and payable in accordance with the due dates noted on the quarterly billing documentation issued by the MTMSA.

E. Interest Penalty for Late Payment; Lien

- (1) If any quarterly installment of sewer rent is not paid within thirty (30) days after the date of the bill, a ten percent (10%) penalty shall be added thereto; and if the installment plus penalty is not paid within sixty (60) days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at the rate of eighty-three hundredths percent (0.83%) per month [ten percent (10%) per year]. Any unpaid sewer rent, together with penalties, interest and costs thereon to the extent permitted by law, shall be a lien on the property served which may be collected by action in assumpsit or by a lien filed in the nature of a municipal claim, as provided by law. In addition, MTMSA shall have the right to require any water utility to shut off the water supply to any property with respect to which the sewer rent imposed is unpaid until all such rents, together with interest and penalties, are paid. The property owner shall be responsible for all costs involved in shutting off the water supply as fixed by resolution of MTMSA.
- (2) In addition to the foregoing penalty, interest and costs imposed, if MTMSA or the Township files a lien or commences litigation to collect any delinquent sewer rental billing, there shall be added to the amount billed and claimed an attorney's fee of ten percent (10%) of the total delinquent amount, plus all court costs and other costs of collection.

F. Payment Address

Bills for sewer rents shall be mailed to the address specified in the application for the connection permit unless and until a different address is reported to MTMSA by the owner or user of the property. Failure to receive a bill as the result of incorrect address or otherwise shall not excuse nonpayment of rent nor extend the time for payment.

G. Responsibility of Owner

The owner of the property billed shall be responsible for payment of the sewer rents. If requested by a property owner, MTMSA may bill a tenant of the owner or User, but the owner shall remain responsible for payment of the sewer rents, and the property may be subject to lien by MTMSA.

#### H. Supplying Information to MTMSA

The applicant or owner or user (all collectively "User") shall provide to MTMSA at any time(s) all information, plans, studies and documents requested by MTMSA necessary to determine the appropriate number of EDUs to be assigned to the User's facility.

#### I. Amendments

The Township and MTMSA reserve the right to change EDU values from time to time, to add or delete property classifications and, in cases of dispute, to determine the classification of a given property.

#### **§ 187-87. Sewer Rental Charges.**

Charges are per quarter for all residential and non-residential (commercial and industrial) users and customers as follows :

- A. There shall be a fixed service charge per EDU of \$79.63. A residential EDU shall include any single-family dwelling, each family unit of a multi-family dwelling (apartment, condominium, twin, townhouse), and a mobile home. For all non-residential users and customers, one EDU shall equal up to and including 15,000 gallons of metered water consumption per quarter, and any fraction thereof shall be charged as an additional EDU.
- B. There shall be a usage charge per 1,000 gallons, or any fraction thereof, of water consumed by all users and customers of \$2.58.
- C. For residential customers and users not having a metered water supply, there shall be a flat charge of \$121.80.
- D. There shall be a charge of \$25.00 for any Sewer Certification given by the Authority.

NOTE: The rates set forth above are those in effect as of the date of adoption of this Part 1. Subsequent to the adoption of this Part 1, the MTMSA may modify sewer rental charges as outlined herein through resolution.

### ARTICLE XVI **Miscellaneous Provisions**

#### **§ 187-88. Severability**

If any provision of this Part 1 is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

**§ 187-89. Conflict**

All other Part 1 and parts of other ordinances inconsistent or conflicting with any part of this Part 1 are hereby repealed to the extent of such inconsistency or conflict.

**ARTICLE XVII  
Effective Date**

This Part 1 shall be in full force and effect immediately following its passage, approval, and publication as provided by law.

ORDAINED AND ENACTED this \_\_\_\_\_ day of \_\_\_\_\_ 2011.

MONTGOMERY TOWNSHIP  
BOARD OF SUPERVISORS:

ATTEST:

\_\_\_\_\_  
Secretary

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
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