WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

ORDINANCE NO. 2016-701

AN ORDINANCE AMENDING THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, ENTITLED "SEWERS AND SEWAGE DISPOSAL"

WHEREAS, the First-Class Township Code, 53 P.S. 66506, entitled "General Powers", authorizes the Board of Commissioners to make and adopt ordinances necessary for the proper management, care and control of the township and the maintenance of peace, good government, health and welfare of the Township; and

WHEREAS, Board of Commissioners of West Norriton Township deems it be in the best interest and general welfare of the citizens and residents of the Township to amend the provisions of Chapter 18 of the Township Code, entitled "Sewers and Sewage Disposal";

WHEREAS, the Board of Commissioners has met the procedural requirements for the adoption of the proposed ordinance, including holding a public meeting; and

WHEREAS, the Board of Commissioners of West Norriton Township, after due consideration of the proposed ordinance at a duly advertised public meeting, has determined that the health, safety and general welfare of the residents of West Norriton Township will be served by this amendment of the West Norriton Township Code;

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, and it is hereby enacted and ordained by the authority of same as follows:

§ 1. <u>CODE AMENDMENT</u>.

CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED AS FOLLOWS:

A. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY ADDING TO AND AMENDING DEFINITIONS IN SECTION 18-102, "DEFINITIONS" AS FOLLOWS:

§102. Definitions.

AUTHORITY

The Norristown Municipal Waste Authority, or the Board of the Norristown Municipal Waste Authority.

BIOCHEMICAL OXYGEN DEMAND (BOD)

The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° C., expressed in terms of mass and concentration [milligrams per liter (mg/l)].

CONTROL AUTHORITY

Refers to the Township Manager or to the "approval authority," defined hereinabove or the Authority.

NEW SOURCE

A. Any user of the Township's wastewater collection and treatment system which commenced operation after the publication by the EPA of proposed Pretreatment Standards which will be applicable to that user after final EPA promulgation of such standards in accordance with Section 307 of the Act, provided that:

(1) The building, structure, facility or installation from which the discharge originates is constructed at a site at which no other source is located.

(2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

(3) The production or wastewater-generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site.

B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of Subsection **A** above but otherwise alters, replaces or adds to existing process or production equipment.

C. Construction of a new source as defined under this section has commenced if the owner or operator has:

(1) Any placement, assembly or installation of facilities or equipment.

(2) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.

(3) 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 period of 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 section.

SIGNIFICANT INDUSTRIAL USER

Any industrial/commercial user of the Township wastewater disposal system who:

A. Is subject to Categorical Pretreatment Standards.

B. Discharges an average of 25,000 gallons per day of process wastewater to the collection and treatment system.

C. Contributes a process waste stream which makes up 5% or more of the average dry-weather hydraulic or organic capacity of the Authority treatment plant.

D. Is designated as such by the Township or Authority on the basis that the user has a reasonable potential for adversely affecting the operation of the sewer system or treatment plant, the quality of the biosolids generated at the Authority 's WWTP or for violating any pretreatment standard or requirement.

SIGNIFICANT NONCOMPLIANCE

An industrial user is in significant noncompliance if his violations meet one or more of the following criteria:

A. Chronic violations of wastewater discharge limits, defined as those in which 66% or more of all the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

B. Technical review criteria (TRC) violations, defined as those violations in which 33% or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants except pH).

C. Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the Township or the Authority determines has caused, alone or in combination with other discharges, an interference, pass-through or upset in the Township's sewer system or the Authority's treatment plant (including endangering the health of the Authority and/or Township personnel or the general public).

D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the Township exercising its emergency authority under 40 CFR 403, Paragraph (f)(1)(vi)(B), to halt or prevent such a discharge.

E. Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement action for starting construction, completing construction or attaining final compliance.

F. Failure to accurately report incidents of noncompliance.

G. Any other violation or group of violations that the Township and to the Authority determines will adversely affect the overall implementation of its industrial pretreatment program.

SLUG CONTROL PLAN

All significant industrial users are required to submit to the Township and to the Authority a slug control plan which meets the criteria set forth in 40 CFR 403.8.

In the following definitions the word "Borough" shall be replaced with "Authority": COMPATIBLE POLLUTANT; ENFORCEMENT RESPONSE PLAN (ERP); INTERFERENCE; and PUBLICLY OWNED TREATMENT WORKS (POTW).

B. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 104.1., SECTIONS 104.1.A., B., C., F., G., I., J., R., AND SECTION 104.2 AND BY ADDING A NEW PARAGRAPH C. TO SECTION 104.2. OF SECTION 18-104, "GENERAL DISCHARGE PROHIBITIONS" AS FOLLOWS:

§104. General Discharge Prohibitions.

1. No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW of the Authority or the Township. These general prohibitions apply to all such users of the Township POTW, whether or not the user is subject to National Categorical Pretreatment Standards or requirements. A user may not contribute the following substances to any POTW:

   A. Any liquids, solids or gases which, by reason of their nature or quantity, are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than 5% nor any single rating over 10% of the lower explosive limit (LEL) of the meter. Prohibited materials include but are not limited to gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substance which the Authority, the Township, the state or the EPA has notified the user is a fire hazard or a hazard to the system, including any material or waste stream exhibiting a closed-cup flash point of less than 140°.

   C. Any wastewater having a pH less than 5.0 or greater than 10.0, unless the Township and the Authority POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the POTW.

2. When the Township or the Authority determines that a user(s) is contributing to the POTW any of the above-enumerated substances in such amounts as to interfere with the operation of the Township or Authority POTW, the Township shall:

   C. Notify the Authority in order to respond according to the Authority Enforcement Response Plan.

In the following sections the word "Borough" shall be replaced with "Authority": §104.1.B; §104.1.F; §104.1.G; §104.1.I; §104.1.J; §104.1.R.

C. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING THE INTRODUCTION TO SECTION 18-105, "FEDERAL CATEGORICAL PRETREATMENT STANDARDS" AS FOLLOWS:

§105. Federal Categorical Pretreatment Standards.

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the federal standard, if more stringent than limitation imposed under this Part for sources in that subcategory, shall immediately supersede the limitations imposed under this Part. Each user or significant industrial user shall be responsible to notify the Authority and the Township of changes to his status under the federal, state or local regulations. The National Categorical Pretreatment Standards found in 40 CFR, Parts 405- 471, are hereby incorporated into this Part.

D. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 18-106, "MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS" AS FOLLOWS:

§106. Modification of Federal Categorical Pretreatment Standards.

Where the Authority wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the approval authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less-toxic or harmless state in the effluent which is achieved by the system 95% of the samples take when measured according to the procedures set forth in § 403.7(c)(2) of Title 40, CFR, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. The Borough may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403,§ 403.7, are fulfilled and prior approval from the approval authority is obtained. Such modification shall then be binding upon the user of the POTW.

E. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 18-107, "SPECIFIC POLLUTANT LIMITATIONS" TO REMOVE CERTAIN PARAMETERS AND CORRESPONDING MAXIMUM CONCENTRATION FROM THE TABLE SET FORTH IN SECTION 107.1, AND BY REVISING SECTION 107.2 AS FOLLOWS:

§107. Specific Pollutant Limitations.

1. The following parameters are removed along with the corresponding maximum concentration:

Ammonia – nitrogen
Total Kjedhal nitrogen
BOD
TSS

2. These limitations shall be set forth in all wastewater discharge permits issued by the Township or the Authority to a user.

F. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 18-110, "EXCESSIVE DISCHARGES" AS FOLLOWS:

§110. Excessive Discharges.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Pretreatment Standards or in any other pollutant-specific limitation developed by the Township or state. (Comment: Pretreatment may be an acceptable means of complying with some of the prohibitions set forth in § 104, e.g., the pH prohibition.)

G. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 111.2 AND SECTION 111.3, OF SECTION 18-111 "ACCIDENTAL DISCHARGES" AS FOLLOWS:

In the following sections the word "Borough" shall be replaced with "Authority": §111.2; §111.3.

H. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 113.1.F. OF SECTION 18-113 "CHARGES AND FEES" AS FOLLOWS:

§113. Charges and Fees.

F. Fees for consistent removal (by the Township or the Authority) of pollutants otherwise subject to Federal Pretreatment Standards.

I. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING

SECTION 114.1., SECTION 114.3, AND SECTION 114.4 OF SECTION 18-114 "WASTEWATER DISCHARGES" AS FOLLOWS:

§114. Wastewater Discharges.

1. It shall be unlawful to discharge without a Township or Authority permit to any natural outlet within the Township or in any area under the jurisdiction of said Township and/or to the Township POTW any wastewater except as authorized by the Township in accordance with the provisions of this Part.

3. All users must notify the Township, the Authority, the EPA and the PADEP of discharges to the sewer system which, if disposed of in any other manner, would be considered a hazardous waste under federal regulations 40 CFR, Part 261.

4. Costs incurred for developing the information described above shall be paid by the user and are in addition to all other sewer use, permit and surcharge fees charged by the Township. The user shall be responsible for obtaining and submitting all applicable Township, Authority, county, regional, state or federal permits or planning documents required for approval for a sewer connection. In addition, whenever an existing insignificant industrial user becomes subject to a National Pretreatment Standard, the user must apply to the Township and Authority for a wastewater contribution permit within 180 days after becoming subject to an applicable National Pretreatment Standard.

J. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 115.2.M, SECTION 115.3, SECTION 115.6 AND SECTION 115.7 OF SECTION 18-115 "WASTEWATER CONTRIBUTION PERMITS" AS FOLLOWS:

§115. Wastewater Contribution Permits.

2.M. Any information as may be deemed by the Township or the Authority to be necessary to evaluate the permit application. The Township and the Authority will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the Township or the Authority may issue a wastewater contribution permit, subject to terms and conditions provided herein.

3. Wastewater Permits. Users who are required to obtain wastewater contribution permits shall be notified of that fact and will be sent a permit application to be completed within 15 days of receipt. (See Appendix A.[1]) A fee for the permit application will be assessed in accordance with § 103 based on the Township and Norristown Municipal Waste Authority POTW cost recovery for program implementation.

6. Permit Duration. Permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than one year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by the Township or the Authority during the term of the permit as limitations or requirements identified in § 106 are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

7. Permit Transfer. Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned nor transferred or sold to a new owner, new user, different premises or a new or changed operation without the approval of the Township or the Authority. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

K. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 116.1 AND SECTION 116.2.A, OF SECTION 18-116 "REPORTING REQUIREMENTS FOR PERMITTEE" AS FOLLOWS:

§116. Reporting Requirements.

1. Compliance Data Report. Within 90 days following the date for final compliance with applicable pretreatment standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to pretreatment standards and requirements shall submit to the Township and the Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards and requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the user into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the industrial user and certified to by a qualified professional.

2. Periodic Compliance Reports.

   A. Any user subject to a pretreatment standard, after the compliance date of such pretreatment standard or in the case of a new source, after commencement of the discharge into the POTW, shall submit to the Township and the Authority during the months of June and December, unless required more frequently in the pretreatment standard or by the

Township and the Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow reported in this § 116. At the discretion of the Township and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Township may agree to alter the months during which the above reports are to be submitted.

L. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 117.1 OF SECTION 18-117 "MONITORING FACILITIES" AS FOLLOWS:

§117. Monitoring Facilities.

1. The Township and the Authority shall require to be provided and operated, at the user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility shall normally be situated on the user's premises, but the Township may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles

M. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 18-118 "INSPECTION AND SAMPLING" AS FOLLOWS:

§118. Inspection and Sampling.

The Township or the Authority shall inspect the facilities of any user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The Township, the Authority, approval authority and (where the NPDES state is the approval authority) the EPA shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards so that, upon presentation of suitable identification, personnel from the Township, the Authority, approval authority and

EPA will be permitted to enter without delay for the purpose of performing their specific responsibilities.

N. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 119.1 AND SECTION 119.2. OF SECTION 18-119 "PRETREATMENT" AS FOLLOWS:

§119. Pretreatment.

1. Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Township shall be provided, operated and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Township and the Authority for review and shall be acceptable to the Township and the Authority before construction of the facility. The review of such plans and operations procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Township under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Township and the Authority prior to the user's initiation of the changes.

2. The Township or the Authority shall annually publish in the Norristown Times Herald newspaper a list of the users which were not in compliance with all pretreatment requirements or standards at least once during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

O. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 18-121 "ENFORCEMENT" AS FOLLOWS:

§121. Enforcement.

1. The Township or the Authority may suspend the wastewater treatment service and/or a wastewater contribution permit when such suspension is necessary, in the opinion of the Township, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interference to the POTW or causes the Authority to violate any condition of its NPDES permit.

2. Any person notified of a suspension of the wastewater treatment service and/or the wastewater contribution permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the Township shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Township shall reinstate the wastewater contribution permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Township and the Authority within 15 days of the date of the occurrence.

P. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING THE INTRODUCTION SECTION OF SECTION 18-122 "NOTIFICATION OF VIOLATION" AS FOLLOWS:

§122. Notification of Violation.

Whenever the Township or the Authority finds that any user has violated or is violating this Part, the wastewater contribution permit or the general pretreatment regulations, the Township or the Authority may serve upon the user a written notice of violation (NOV). Within 15 days of the certified receipt of the NOV, the user must submit to the Township and/or the Authority a written response which contains the following information:

Q. THE WEST NORRITON TOWNSHIP CODE, CHAPTER 18, SEWERS AND SEWAGE DISPOSAL, IS HEREBY AMENDED BY REVISING SECTION 123.1 AND SECTION 123.2 OF SECTION 18-123 "SHOW-CAUSE HEARING" AS FOLLOWS:

§123. Show-Cause Hearing.

1. The Township or the Authority may order any user who causes or allows an unauthorized discharge to enter the POTW to show cause before the Township why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Township regarding the violation, the reasons why the action is to be taken, and the proposed enforcement action and directing the user to show cause before the Township why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least 10 days before the hearing. Service may be made on any agent or officer of a corporation.

2. The Township or the Authority may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee to:

§ 2. REPEALER. All Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

§ 3. REVISIONS. The West Norriton Township Board of Commissioners does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

§ 4. SEVERABILITY. In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

§ 5. EFFECTIVE DATE. This amendment shall become effective five (5) days after date of adoption.

ORDAINED AND ENACTED by the Board of Commissioners for West Norriton Township, Montgomery County, Pennsylvania, this 8th day of March, 2016.

ATTEST:

Jason Bobst, Township Manager

WEST NORRITON TOWNSHIP BOARD OF COMMISSIONERS:

By: **Ralph Panzullo,** President