

ORDINANCE NO. 5-01 OF 2012

AN ORDINANCE SETTING FORTH UNIFORM REQUIREMENTS FOR CONTRIBUTORS INTO THE WASTEWATER COLLECTION AND TREATMENT SYSTEM OF PITTSTON TOWNSHIP, ESTABLISHING THE AUTHORITY OF THE WYOMING VALLEY SANITARY AUTHORITY TO ADMINISTER AND ENFORCE THE REQUIREMENTS, SETTING FEES FOR THE ADMINISTRATION AND OPERATION OF AN INDUSTRIAL PRETREATMENT PROGRAM, AND ESTABLISHING PENALTIES FOR THE VIOLATION HEREOF

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SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

Pittston Township (hereinafter the "Municipality") owns and operates a wastewater collection system which is subject to a Service Agreement with the Wyoming Valley Sanitary Authority for the collection and treatment of wastes and sewage collected by such system and contributed by residents of Municipality.

This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection system and enables the Municipality and the Authority to comply with all applicable state and federal laws as required by the Federal Clean Water Act of 1977, the General Pretreatment Regulations (Title 40 Code of Federal Regulations, Part 403), the Pennsylvania Clean Streams Law, and the provisions of the Service Agreement.

The objectives of this Ordinance are:

- a) to prevent the introduction of pollutants into the wastewater collection and treatment system which will interfere with the operation of the system, contaminate the resulting sludge, be difficult to treat by conventional means or otherwise be incompatible with the system;
- b) to prevent the introduction of pollutants into the wastewater system which will pass through the system, inadequately treated, into receiving streams or the atmosphere, causing pollution;
- c) to improve the opportunity to recycle and reclaim wastewater and sludges from the system; and
- d) to provide for equitable distribution of costs occasioned by the acceptance of industrial or other wastes of unusual characteristics.

This Ordinance provides for the regulation of contributors to the municipal wastewater system through the establishment of standards for discharge of wastes; by authorizing the issuance of permits to certain Non-Domestic Users; by providing general requirements for all users; by authorizing monitoring and enforcement activities; by requiring certain reporting by users; and by providing for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Ordinance shall apply to all persons who discharge wastes, wastewater or sewage into the sanitary sewer system of the Municipality. Except as otherwise provided herein, the Executive Director of the WWSA shall administer, implement, and enforce the provisions of this ordinance.

1.2 Definitions

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

- a) Act or "the Act". The Federal Water Pollution Control Act, also known as the Clean Water Act of 1977, as amended, 33 U.S.C. § 1251 et seq.
- b) Approval Authority. The administrator of the EPA, Region III, or the Department of Environmental Protection (PADEP) if duly authorized by the EPA to administer the Pretreatment Program.
- c) Authorized Representative. The person authorized to sign required reports, as defined at 40 CFR § 403.12(l).
- d) Best Management Practices (BMPs). Schedules of activities, prohibition of practices, maintenance procedures, and other management practices to implement the provisions of this Ordinance, including the prohibitions listed in section 2.1 and other Pretreatment Standards and Requirements. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. For purposes of determining Significant Noncompliance under Section 5.8 of this Ordinance, BMPs are considered a narrative Pretreatment Standard or Requirement.
- e) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, as specified, in five days at 20 degrees Celsius expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- f) Categorical Industrial User. An Industrial User that is subject to a National Categorical Pretreatment Standard.

g) Chemical Oxygen Demand (COD). The measure of the oxygen-consuming capacity of inorganic and organic matter present in water, sewage, Industrial Wastewater, or other liquid as determined by standard laboratory procedure, as specified, expressed as milligrams per liter (mg/l).

h) Control Authority. The WVSA.

i) Cooling Water. The water discharged from any system of condensation, such as air conditioning, cooling, or refrigeration and which does not contain any pollutants or contaminants at levels which would require regulation under this Ordinance. Cooling water which contains pollutants or contaminants which requires regulation shall be considered Industrial Wastewater.

j) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

k) Domestic User. A User who discharges only Domestic Sewage.

l) Domestic Sewage. The normal waterborne sewage and other wastes normally discharged by a household, including toilet wastes, laundry, washwater and other gray water, and similar wastes.

m) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

n) Executive Director. The person designated as such by the WVSA to supervise the operation of WVSA facilities, or his or her duly authorized representative.

o) Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to flow and over a period of time not exceeding fifteen (15) minutes.

p) Holding Tank. A storage tank installed by the User to hold such Industrial Wastewater which is prohibited from being discharged to the sanitary sewer system and from which the contents must be hauled to a disposal site. Such tank shall be approved by the Municipality and shall not be connected to the sanitary sewer system.

q) Indirect Discharge or Discharge. The discharge or the introduction of pollutants into the Sanitary Sewer System from any Non-Domestic User.

r) Industrial User. Any User that discharges Industrial Wastewater.

s) Industrial Wastewater. Liquid waste and water borne liquid, gaseous, and solid substances (except Domestic Sewage which is separately discharged) that is discharged from any industrial, manufacturing, trade or commercial establishment including non-profit organizations, governmental agencies or business activities. If Domestic Sewage is mixed with Industrial Wastewater, the mixture is Industrial Wastewater.

t) Industrial Wastewater Discharge Permit. A permit authorizing the Discharge of Industrial Wastewater into the Sanitary Sewer System.

u) Interference. The inhibition or disruption of the WWSA treatment process or operations such as to cause or threaten to cause or contribute to a violation of any requirement of the WWSA's NPDES Permit, including an increase in the magnitude or duration of any violation. The term includes prevention of sewage sludge use or disposal by the WWSA in accordance with Section 405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (including the RCRA), the Clean Air Act, the Toxic Substances Control Act, or any more stringent state criteria for the use or disposal of sewage sludge.

v) Local Limits. Indirect Discharge limits, which may include Best Management Practices, established by the WWSA as required by 40 CFR Section 403.5(c) (which such limits shall be deemed Pretreatment Standards), and any other limits developed by WWSA to implement the provisions of this Ordinance or the WWSA Rules and Regulations.

w) National Categorical Pretreatment Standard. EPA-promulgated Indirect Discharge standards for certain Industrial Process Categories under Section 307(b) and (c) of the Act, which are codified at 40 CFR Chapter I, Subchapter N, Parts 405 through 471.

x) New Source. Any source, the construction of which is commenced after publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source, if such standard is thereafter promulgated, as defined at 40 CFR Section 403.3(m)(1).

y) Non-Domestic User. A User engaged, wholly or in part, in the manufacturing, fabricating, processing, cleaning, laundering, bottling, or assembling of a product, commodity or article, or in any commerce or trade and which discharges, or has the capacity to discharge, Wastewater other than Domestic Sewage.

z) Non-significant Categorical Industrial User. An Industrial User subject to National Categorical Pretreatment Standards that is determined by the Control Authority to be a Non-Significant Industrial User on a finding that it never discharges more than one hundred (100) gallons per day of Industrial Waste subject to National Categorical Pretreatment Standards and that the following conditions are met:

(i) The Industrial User, prior to the Control Authority's determination, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the following certification statement together with any additional information necessary to support the certification statement:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR (*insert applicable section*), I certify that, to the best of my knowledge and belief that during the period from _____ to _____ [*month, day, year*]: (a) The facility described as _____ [*facility name*] met the definition of a non-significant categorical industrial user as described in § 403.3(v)(2); (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 upon the following information. _____”;

(iii) The Industrial User never discharges any untreated concentrated wastewater.

aa) Oil and Grease. The result of the Hexane Extractible Materials Test, EPA Method 1664, or an equivalent method approved by EPA.

bb) Pass Through. A discharge which exits the WWSA treatment plant into the receiving stream in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, causes or contributes, or threatens to cause or contribute to a violation of any requirement of the WWSA's NPDES permit, including an increase in the magnitude or duration of a violation.

cc) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents, or assigns.

dd) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions.

ee) Pollution. The alteration of the thermal, chemical, physical, biological, or radiological integrity of, or the contamination of, any water to the extent that the water is rendered harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to public health, safety, or welfare, or that impairs the usefulness of the public enjoyment of that water. The violation of any water quality standard or criterion established by the PADEP through regulation, rule, permit or order shall be pollution.

ff) Pretreatment or Treatment. The reduction by physical, chemical, or biological means, of the amount or rate of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater to a less harmful state prior to discharge, except by means prohibited by 40 CFR Section 403.6(d).

gg) Pretreatment Requirement. Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard, which is imposed on an industrial user.

hh) Pretreatment Standards. National Categorical Pretreatment Standards and National Prohibited Standards as stated at 40 CFR Part 403.5, and Local Limits developed to implement the National Prohibited Standards.

ii) Prohibited Waste. Any waste which is totally restricted from discharge into the sanitary sewer system by this Ordinance.

- jj) Sanitary Sewer System or Sewer System. All of the property involved in the operation of a sanitary sewer collection and treatment facility, including but not limited to land, wastewater lines, appurtenances, pumping stations, metering chambers, and the wastewater treatment plant, whether owned by the Municipality, the WWSA, or any other Person.
- kk) "Shall" versus "May". Shall is mandatory, may is permissive.
- ll) Significant Industrial User. Any user, not classified as a Non-Significant Industrial User by the WWSA:
- (i) that is subject to National Categorical Pretreatment Standards; or
 - (ii) that discharges an average flow of 25,000 gallons or more per day of process wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or
 - (iii) that contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the WWSA's treatment plant; or
 - (iv) that is designated as such by the WWSA on the basis that the User has a reasonable potential for adversely affecting the WWSA's operation or for violating any Pretreatment Standard or Requirement.
- mm) Significant Non-Compliance. As defined in Section 5.8 of this Ordinance
- nn) Slug Discharge. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge which has reasonable potential to cause Interference or Pass Through or in any other way violate the provisions of this Ordinance, any Industrial Wastewater Discharge Permit, or any provision of the WWSA Rules and Regulations.
- oo) 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.
- pp) State. The Commonwealth of Pennsylvania.
- qq) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

- rr) Surcharge. An additional service charge levied against any person for discharging Wastewater into the Sanitary Sewer System that requires additional handling, treatment, disposal, or other costs.
- ss) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, and which is removable by filtration.
- tt) Toxic Pollutant or Priority Pollutant. Pollutants designated by EPA under provision of Section 307(a) of the Act, as listed on Tables II and III of Appendix D of 40 CFR Part 122.
- uu) User. Any Person who contributes, causes or permits the contribution of Wastewater into the WWSA.
- vv) Waste or Wastewater. Domestic Sewage, Industrial Wastewater, and any other wastes or water-borne matter discharged, deposited or released by any Person.
- ww) Wastewater Treatment Plant or Treatment Plant. The facilities owned and operated by the WWSA for the treatment and disposal of Wastewater.
- xx) The Wyoming Valley Sanitary Authority or WWSA. A municipal corporation organized and existing under the laws of the Commonwealth of Pennsylvania, under the Municipal Authorities Act of 1945, as amended, with which the Municipality has a Service Agreement providing for the collection and treatment of wastewater flowing from the sanitary sewer system of the Municipality. The principal place of business of the WWSA is located at 1000 Wilkes-Barre Street, Wilkes-Barre, PA 18711.
- yy) WWSA Facilities. All facilities owned, maintained, or operated by the WWSA, including the Treatment Plant, interceptor sewers, pumping stations, and other such facilities.

SECTION 2 – DISCHARGE REGULATIONS

2.1 General Prohibitions

No Person shall discharge, release, place, or allow to be placed, any Wastewater of any nature into any stream, storm sewer, waterway or any other place within the Municipality other than the Sanitary Sewers.

No User shall contribute, cause, or allow to be discharged, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the Sewer System or the WWSA Facilities. These general prohibitions apply to all Users of the Sewer System whether or not the User is subject to any Pretreatment Standards or Requirements or any other Federal, State, or Local Pretreatment Standards or requirements. A User shall not contribute the following substances to the Sanitary Sewer System or the WWSA's Facilities:

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 any other substance to cause fire or explosion or be injurious in any other way to the WWSA or to the operation of the WWSA's treatment plant. Discharges prohibited under this section shall include, but not be limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius using the test methods specified in 40 CFR 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or any point in the system) be more than five (5%) percent, nor any single reading over ten (10%) percent 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 substances which cause or contribute to a fire hazard or a hazard to the Sewer System in the quantities or concentrations discharged.

b) Any wastewater having a pH value less than 6.0 or greater than 11.5 in any grab sample, or a wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel.

c) Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: garbage with particles greater than one-half inch (1/2") 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, plastic, gas, tar, asphalt residues, mud, or glass grinding or polishing wastes.

d) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause Interference to the Sewer System. In no case shall a discharge have a flow rate or contain a concentration of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour flow or concentration of pollutants during normal operation. Notwithstanding the criteria above, any Slug Discharge shall be prohibited.

e) Any wastewater having a temperature which will inhibit biological activity in the WWSA treatment plant resulting in Interference, but in no case any Wastewater with a temperature at the introduction into the WWSA Facilities which exceeds 40 degrees Celsius (104 degrees Fahrenheit).

f) Any wastewater containing Toxic Pollutants in sufficient quantity, either singly or by interaction with any wastewater treatment process, which will cause Pass Through or Interference, or exceed the limitation set forth in a National Categorical Pretreatment standard or Local Limit.

g) Any discharge which may result in the presence of toxic gases, vapors, or fumes within the treatment system in a quantity that may cause acute worker health and safety problems or is sufficient to create a public nuisance or hazard.

h) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

i) Any trucked or hauled pollutants, except at discharge points designated by the WWSA.

j) Any substance which may cause the WWSA Treatment Plant's effluent or any other product of the WWSA such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation or disposal process. In no case shall a substance discharged to the WWSA's Facilities cause the WWSA to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, any criteria guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or state criteria applicable to the sludge management or disposal method being used.

k) Any substance which will cause or contribute to a violation of the WWSA's NPDES Permit or cause Interference or Pass Through, as established by the Local Limits adopted by the WWSA.

l) Any wastewater with color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions such as would cause or contribute to Pass Through or Interference.

m) Any wastewater containing any radioactive wastes or isotopes by such half-life or concentration as may exceed limits established by the Executive Director in compliance with applicable State or Federal regulations.

n) Any substance which causes a hazard to human life or creates a public nuisance.

When a Local Limit has been developed to implement any of the above Prohibited Waste standards, compliance with the Local Limit shall be deemed compliance with the Prohibited Waste standard unless the User has reason to know that the discharge, notwithstanding the Local Limit, has a reasonable potential to cause Interference or Pass Through.

2.2 National Categorical Limits Override

Upon the promulgation of National Categorical Pretreatment standards for a particular industrial Category or subcategory, the National Standards, if more stringent than limitations imposed under this ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Executive Director shall notify all affected Users of the applicable reporting requirements under 40 CFR, section 403.12. However, failure to notify a Categorical User of the applicable regulations shall not act to excuse any such User from its duty to comply with applicable law.

2.3 Prohibition on Pass Through and Interference

No User shall contribute or cause to be contributed any discharge which by nature shall cause an upset in the performance of the WWSA's treatment system or Pass Through or Interference such that the WWSA will violate or will be in danger of violating any provision of its NPDES permit or applicable state or federal regulations.

2.4 Local Limits and Local Equivalent Categorical Limits

The WWSA will develop Local Limits as set forth in 40 CFR, Part 403.5, and such other Local Limits as it deems advisable for the safe, efficient and reliable operation of the Sewer System and the WWSA Facilities. Local Limits shall be applicable to such Users as WWSA shall designate, including but not limited to all Industrial Users.

WWSA may develop equivalent mass limits or equivalent concentration limits to implement Categorical Pretreatment Standards when requested by a Categorical Industrial User, pursuant to the provisions at 40 CFR Section 403.6(c)(5) and (6).

2.5 State Requirements

State requirements and limitations on Wastewater Indirect discharge shall apply in any case where they are more stringent than Federal and/or Local requirements and limitations, or those in this Ordinance.

2.6 Municipality's Right of Revision

The Municipality reserves the right to establish more stringent limitations or requirements on discharges to the Sewer System if deemed necessary to comply with the objectives presented in Section 1 of this Ordinance.

2.7 Excessive 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 the limitations contained in the National Categorical Pretreatment Standards, or in any pollutant-specific limitations developed by the WWSA or the Commonwealth. Provided, however, that dilution may be an acceptable means of complying with certain of the prohibitions set forth in section 2.1, e.g. the pH and temperature prohibitions, if such dilution is authorized by an Industrial Wastewater Discharge Permit.

2.8 Prohibition on Discharge of Stormwater and Cooling Water

No User shall discharge any Stormwater, including but not limited to basement or foundation drainage, or any uncontaminated Cooling Water into the Sanitary Sewer System, provided that such discharges are allowable into those portions of the Sewer System (if any) that are designated Combined Sewers by the Municipality. When, upon application to do so, the Direct Discharge of uncontaminated Cooling Water has been prohibited by the PADEP, the Municipality and WWSA may permit such a discharge into the Sanitary Sewer System upon application by the User to do so.

SECTION 3 - FEES

3.1 Purpose

The purpose of this Section is to provide for the recovery of costs from Users of the WWSA's Facilities for the implementation of the discharge control program established herein. In consideration of the service provided by WWSA and as provided in the Service Agreement, WWSA is hereby authorized to collect from Users within the Municipality all such charges or fees as shall be set forth in the WWSA's Schedule of Charges and Fees.

3.2 Charges and Fees

The Municipality and/or the WVSA may adopt charges and fees which may include:

- a) fees for reimbursement of clerical, labor, and overhead costs of administering and operating the WVSA's Pretreatment Program;
- b) fees for monitoring, inspections and sampling of Industrial Users, including any extraordinary costs incurred for response costs or to ensure compliance by a noncompliant User;
- c) fees for reviewing Slug Discharge control and spill prevention procedures, pretreatment plans, and plans for grease and sediment interceptors;
- d) fees for response to accidental or Slug Discharges;
- e) fees for permit applications;
- f) fees for consistent removal of pollutants otherwise subject to Federal Pretreatment Standards as provided by 40 CFR Section 403.7;
- g) fees and surcharges for removal of pollutants such as BOD, TSS, Oil and Grease, phosphorus, or nitrogen discharged in amounts greater than those found in Domestic Sewage;
- h) other fees as the Municipality and/or the WVSA may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Municipality and WVSA.

3.3 Surcharges

The WVSA may require payment of a surcharge by any User who discharges Wastewater of higher than normal concentration or loading of any substance, which results in additional treatment costs to the WVSA. Such surcharges shall be in addition to the regular sewer rent set forth in the Rules and Regulations of the WVSA.

Surcharges shall be established by the WVSA in its duly adopted Rules and Regulations.

SECTION 4 – PRETREATMENT REQUIREMENTS FOR INDUSTRIAL USERS

4.1 Pretreatment Requirement

- a) Any User generating Wastewater of a character prohibited from discharge into the Sanitary Sewer System under section 2 of this Ordinance shall provide for pretreatment of the Wastewater as necessary to attain the standards established by this Ordinance and the Rules and Regulations of the WVSA. The Municipality may, at its sole discretion and in conformance with the provisions of Act 537, permit the installation of Holding Tanks for wastes which are not amenable to pretreatment upon application by a User. The installation, operation, and maintenance of Holding Tanks shall be as prescribed by the Municipality as a condition of its approval.
- b) Grease traps or sediment traps shall be provided for the proper handling of waste containing grease, sand or sediment, in amounts above the limits provided herein. All traps shall meet the standards prescribed in section 4.9.
- c) Storage, handling, disposal, and transportation of materials removed from pretreatment facilities, grease traps or sediment traps shall be accomplished according to all applicable Federal, State, and Local regulations that pertain to the type and/or class of waste generated.
- d) Any facilities required to pretreat Wastewater to a level acceptable to the WVSA shall be provided, operated and maintained at the User's expense.

4.2 WVSA Approval for Pretreatment

Detailed plans showing the pretreatment facilities and documentation of operating procedures shall be submitted to the WVSA for review, and shall be acceptable to the WVSA before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of constructing, operating, or modifying the facility as necessary to produce an effluent acceptable to the WVSA under the provisions of this Ordinance. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the WVSA prior to the User's initiation of the changes.

In addition to approval of WVSA, a building permit may be required by the Municipality and the provisions of this Ordinance shall not supersede any requirements of the Building Code applicable to the User's facilities.

4.3 Permit Requirement

- a) It shall be unlawful to discharge to the Sanitary Sewer System of the Municipality, any Wastewater of any kind except as authorized by this Ordinance or the Rules and Regulations of the WVSA, as amended.
- b) All Non-Domestic Users proposing to connect to or to contribute to the Sewer System shall notify the WVSA of such intent prior to connection or prior to the commencement of discharge if the connection point already exists.
- c) Industrial Users shall apply for and obtain an Industrial Wastewater Discharge Permit from the WVSA before connecting to or Discharging Industrial Wastewater to the Sewer System. Other Non-Domestic Users may be required to apply for and obtain a Permit to discharge Wastewater other than Domestic Sewage by the WVSA as provided in its Rules and Regulations.
- d) WVSA may, at its discretion and in conformance with the provisions of 40 CFR Section 403.8(f)(1)(iii)(A), develop and issue General Permits for certain classes of Non-Domestic User.

4.4 Industrial Wastewater Discharge Permit Provisions

Industrial Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five years or may be stated to expire on a specific date. The User shall apply for a permit reissuance a minimum of ninety (90) 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 WVSA during the term of the Permit as limitations or requirements as identified in section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in the Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Permit itself shall include a reasonable time schedule for compliance, as determined by the WVSA.

Industrial Wastewater Discharge Permits are issued to a specific User for a specific operation and type of discharge. A Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the WVSA. If approval is granted by the WVSA, any succeeding owner or User shall also comply with the terms and conditions of the existing permit.

Permits shall contain such terms and conditions as the WVSA shall determine as expressed in its Rules and Regulations. Permits may include the following:

- a) Effluent limits and Best Management Practices based on National Categorical Pretreatment Standards, Local Limits, or other applicable discharge standards;
- b) Specifications for monitoring programs which include sampling locations, frequency of sampling, types and standards for tests (including the requirement that all sampling be representative of the discharge) and reporting schedules;
- c) Compliance schedules;
- d) Requirements for submission at specified times to the WVSA of technical reports, laboratory analysis reports, or discharge reports;

- e) Requirements for maintaining and retaining plant records relating to Wastewater Discharge as specified by the WVSA, and affording WVSA access thereto at reasonable times for examination and copying;
- f) Requirements for notification of the WVSA or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- g) Requirements for installation and maintenance of inspection and sampling facilities;
- h) Requirements for notification of Slug Discharges as per Section 4.14;
- i) Other conditions as deemed appropriate by the WVSA to ensure compliance with this Ordinance and the WVSA Rules and Regulations;
- j) Notice of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements or other provisions of this Ordinance, the Permit, or the Rules and Regulations of WVSA; and
- k) A schedule of User charges and fees for the Wastewater to be discharged into the Sanitary Sewer System.

4.5 Permit Application Process

All Industrial Users shall submit to the WVSA an Industrial Wastewater Discharge Questionnaire containing information as set forth in this Ordinance or required by the Rules and Regulations of the WVSA. Other Non-Domestic Users may be requested to submit information at the discretion of WVSA upon review of the notice required by Section 4.3 (b) of this Ordinance.

Users required to obtain an Industrial Wastewater Discharge Permit shall be so notified by the WVSA and shall timely complete and file with the WVSA an application in the form prescribed by the WVSA, and accompanied by the appropriate fee. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information, as required by WVSA:

- a) Name, address, and location (if different from the address);
- b) SIC number according to the Standard Industrial classification Manual, Bureau of the Budget, 1972, as amended;

- c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by an accredited analytical laboratory; sampling and analysis shall be performed in accordance with procedures contained in 40 CFR, Part 136, as amended;
- d) Time and duration of discharge;
- e) Average daily wastewater flow rates, short term peaks or batch discharge rates, and daily, monthly and seasonal variations, if any;
- f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- g) Description of activities, facilities and plant processes on the premises, including all materials which are or could be discharged;
- h) Material Safety Data Sheets (MSDS) for all chemicals used on site;
- i) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Local, State, or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional pretreatment facilities are required for the User to meet applicable Pretreatment Standards;
- j) 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. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:
 - (1) The schedule shall contain increments of progress in the form of "milestone" 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.)
 - (2) No increment referred to in paragraph (1) shall exceed 9 months.

(3) Not later than 14 days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the Executive Director including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Executive Director.

k) Each product produced by type, amount, process or processes and rate of production;

l) Type and amount of raw materials processed (average and maximum per day);

m) Number of employees per shift, hours of operation of plant and proposed or actual hours of operation of pretreatment system;

n) Any other information as may be deemed by the WVSA to be necessary to evaluate the permit application.

The WVSA will evaluate the data furnished by the User and may require additional information. After evaluation of the data furnished, the WVSA may issue an Industrial Wastewater Discharge Permit subject to terms and conditions provided herein.

4.6 Modification of Permit

Within three (3) months of the promulgation of a National Categorical Pretreatment Standard, the Industrial Wastewater Discharge Permit of Users subject to such standards shall be revised to require compliance with such standards within the time frame prescribed by such standard. Where a User, subject to a newly promulgated National Categorical Pretreatment Standard had not previously submitted an application for an Industrial Wastewater Discharge Permit as required by Section 4.3, the User shall apply for an Industrial Wastewater Discharge Permit within one hundred eighty (180) days after the promulgation of the applicable National Categorical Pretreatment standard. In addition, the User with an existing Industrial Wastewater Discharge Permit shall submit to the Executive Director, within 180 days after the promulgation of an applicable National Categorical Pretreatment Standard, the information required by Section 4.5 (i) and (j).

4.7 Classifications of Dischargers

Following review of a report submitted under Section 4.3 of this Ordinance, each Non-Domestic User shall be placed into the appropriate classification of Discharger. Said classifications are defined as follows:

- a) A Significant Industrial User shall be a Class I User.
- b) A Class II User shall include Non-Significant Categorical Industrial Users and any Non-Domestic User that discharges any wastes other than Domestic Sewage to the sanitary sewer system in amounts that on a routine basis are determined by the WWSA not to have a significant impact on the treatment system, but may present a potential to impact on the treatment system, such as, but not limited to, Users with Oil and Grease or settleable solids discharges that may present a potential to cause sewer obstructions, and those that have the potential to have Slug Discharges or chemical spills.
- c) A Class III User shall be any Non-Domestic User who discharges only Domestic Sewage or has a dry process, or is considered to have insignificant impact on the treatment system.
- d) A Class IV or Commercial User shall be any Non-Domestic User who discharges Industrial Wastewater of the nature produced by facilities such as vehicle wash facilities, vehicle maintenance shops, fluid change facilities, steam cleaning facilities, restaurants, lounges, etc.

For the purpose of the permit process all Class I Users shall be required to obtain an Industrial Wastewater Discharge Permit from the WWSA. Class II, Class III and Class IV Users may be required to obtain a Permit, as determined by the WWSA.

Whether a User is required to obtain a Permit or not, it may be required to install such facilities as the WWSA or Municipality deems necessary to comply with the provisions of this ordinance.

4.8 Grease and Sediment Traps for Class II and IV Users. Class II and IV Users that discharge or have the potential to discharge significant quantities of Oil and Grease or sediment, as determined by the WWSA, shall install and properly operate and maintain a grease trap or sediment trap (or both when necessary) satisfactory to the WWSA as required by its Rules and Regulations. Proper operation and maintenance of grease and sediment traps includes, but is not limited to, removal

of accumulated grease or sediment on a routine basis and maintenance of documentation of such activity pursuant to Section 4.14. Failure to timely install, or to properly operate or maintain a grease or sediment trap required by this Ordinance shall be a violation of this Ordinance and may result in the rescission or suspension of the right to discharge Wastewater to the Sewer System, whether or not a permit has been issued by the WWSA.

4.9 Standard Designs

Users required or choosing to install grease traps or sediment traps shall apply to the WWSA for a list of standard construction design criteria as prepared by and available through the WWSA's Engineering Department in accordance with current pretreatment design requirements. Users may deviate from standard construction design criteria only with permission of the Executive Director.

4.10 Inspection

The Municipality and the WWSA may inspect the facilities of any Non-Domestic User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater other than Domestic Sewage is created or discharged shall allow representatives of the Municipality and WWSA ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and/or copying, or in the performance of any of their duties. The Municipality, WWSA, PADEP and/or the EPA shall have the right to set up on the Non-Domestic User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security personnel so that upon presentation of suitable identification, representatives of the Municipality, WWSA, PADEP and/or the EPA will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

4.11 Operation and Maintenance of Pretreatment Facilities

a) It shall be the responsibility of the Industrial User to maintain its Pretreatment facility in a working order to provide consistent compliance with the limitations set forth in the Industrial Wastewater Discharge Permit and/or the Rules and Regulations of the WWSA. Operation of the pretreatment system shall be undertaken by the User according to the prescribed methods of the manufacturer as approved by the WWSA, to provide consistent compliance with the limitations set

forth in this Ordinance, the Industrial Wastewater Discharge Permit and the Rules and Regulations of the WWSA. The User shall be required to maintain documentation reflecting operations and maintenance of all pretreatment facilities.

b) If required by the WWSA, a User shall develop and implement a slug control plan containing the elements itemized at 40 CFR Section 403.8(f)(2)(vi). The slug control plan shall be submitted to the WWSA for review and approval before implementation.

c) Any User required to install and operate a grease trap or sediment trap shall maintain the equipment in working order to provide consistent compliance with the limitations set forth in any permit issued by the WWSA and/or the Rules and Regulations of the WWSA. Operation of the trap shall be undertaken by the User according to the prescribed methods of the manufacturer as approved by the WWSA, to provide consistent compliance with the limitations set forth in this Ordinance, any permit and the Rules and Regulations of the WWSA. The User shall be required to maintain documentation reflecting operations and maintenance of all grease and sediment traps for a period of three (3) years or for such period of time as may be required by any permit.

4.12 Flow Measurement

The volume of flow used in computing loadings or surcharges shall be based on the total water consumption data as obtained from the permittee or the records of the local water utility. If a User has a substantial portion of the metered water that does not reach the sanitary sewer system the User may, at its own expense, and with approval from the Executive Director, install a separate flow metering device to measure the actual discharge into the sanitary system. If the actual flow to the sanitary system is measured, the equipment used for the measurement of the flow must be maintained in proper working order at all times. A separate written record of calibration and maintenance must be kept for the flow metering device and made readily available for inspection by the WWSA.

4.13 WVSA Monitoring

The WVSA may conduct periodic monitoring of the following types:

- a) Scheduled or unscheduled sampling and inspections of the User's facilities and records shall be conducted at all Class I Users at least once each year.
- b) Additional sampling or inspections may be conducted whenever the WVSA determines a need to investigate the discharges of a User.
- c) Demand sampling and inspections may be performed in response to a complaint or an unusual or emergency situation, such as when the WVSA determines a change in the normal discharge characteristics of the User's wastewater flow, if a violation was detected during sampling or self-monitoring under Section 4.13, if problems that may be attributable to the User's discharge occur in the Sewer System or WVSA Facilities, or if a complaint or report of noncompliance is received by the Municipality or WVSA.
- d) If the WVSA performs routine compliance sampling of a User in lieu of the self-monitoring provisions of Section 4.13, the WVSA shall be subject to the repeat sampling requirement of Section 4.13(b) in the case that a violation of any Pretreatment Standard or Requirement is detected.
- e) All discharge sampling and analyses conducted by WVSA shall be in accordance with the sampling and analysis requirements for User Self-monitoring in Section 4.14.

4.14 User Self-monitoring

- a) Users subject to an Industrial Wastewater Discharge Permit may be required, at the User's expense, to conduct sampling and analyses of their Wastewater on a periodic schedule as established by the Permit. Should the results of said analyses indicate a violation of any provision of the User's permit, the User must:
 - i) Report the violation to the WVSA within 24 hours of becoming aware of the violation; and
 - ii) Repeat the sampling and analysis within thirty (30) days of becoming aware of the violation and report the results to the WVSA.

The resampling is not required if:

- (A) The WWSA conducts monthly sampling; or
- (B) The WWSA conducted compliance sampling between the time when the initial sample was collected and when the laboratory results were received.

b) All Wastewater sampling shall be representative of the Indirect Discharge. Unless otherwise specified in the Wastewater Discharge Permit (and documented in the WWSA files), all samples shall be collected as flow-proportional composite samples over a 24-hour period, except for samples for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds which shall be obtained as grab samples. Grab samples for cyanide, total phenols and sulfides may be obtained as multiple grab samples and composited in the field or the laboratory before analysis; grab samples for Oil and Grease and volatile organic compounds may be obtained as multiple grab samples and composited in the laboratory before analysis. For constituents required to be collected as grab samples, the Permit shall specify the number of grab samples required for each representative analysis.

c) Unless otherwise specified in a Permit all sampling, sample preservation, and laboratory analyses shall be according to the requirements in 40 CFR Part 136.

4.15 User Reporting and Recordkeeping

All Users subject to an Industrial Wastewater Discharge Permit shall be required to submit such reports as required by 40 CFR 403.12 or the Industrial Wastewater Discharge Permit. Said reports include:

a) Baseline Monitoring Reports for all Categorical Industrial Users, as provided by 40 CFR Section 403.12(b); sampling shall be as provided at 40 CFR § 403.12(g)(4), and shall include a minimum of four grab samples for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist, and a number as established by WWSA for facilities for which historical sampling data are available;

b) Compliance Schedule reports as required by 40 CFR Section 403.12(b)(7) and (c);

c) 90-Day compliance Reports for Categorical Industrial Users, as provided by 40 CFR Section 403.12(d); sampling shall be as provided at 40 CFR § 403.12(g)(4), and shall include a minimum of four grab samples for pH, cyanide, total phenols, Oil and Grease, sulfide, and volatile organic compounds for facilities for which historical sampling data do not exist, and a number as established by WVSA for facilities for which historical sampling data are available;

d) Periodic Reports on Continued Compliance as scheduled in accordance with the User's Industrial Wastewater Discharge Permit and Section 4.14 of this Ordinance;

e) Immediate notice to the WVSA of any discharge that constitutes a Slug Discharge;

f) Immediate notice to the WVSA of any change in the User's facility that could affect the potential to have a Slug Discharge;

g) Notification of any planned changes or modifications to the volume or character of the Industrial Wastewater Discharge, including any changes to listed or characteristic hazardous waste discharges reported under Section 4.16 of this Ordinance;

h) Sampling results and resampling reports as required by Section 4.14 of this Ordinance.

Every Significant Industrial User and any Non-Domestic User which is required, by permit or by request of the WVSA, to institute any monitoring, BMP, sampling, grease or sediment removal, or any other activity which will produce a record (such as flow meter or pH recorder charts, laboratory results, or hauled waste records) shall retain all such records for a period of at least three (3) years. All sampling records of Significant Industrial Users shall include the information as set forth at 40 CFR Section 403.12(o).

All records relating to compliance with Pretreatment Standards shall be made available to officials of the Approval Authority upon request. The reports and other documents required to be submitted or maintained under this section may be subject to the provisions of section 309(c)(4) of the Clean Water Act, as amended, and 18 Pa.C.S.A. Section 4904, as amended, governing false statements, representations, or certifications.

4.16 Reporting of Hazardous Waste Discharge

All Industrial Users shall be required, in accordance with 40 CFR 403.12(p), to report the discharge into the sanitary sewer system of any substance, which if otherwise disposed of, would be a listed or characteristic hazardous waste under 40 CFR Part 261. Said notification shall be in writing to the WWSA, the EPA Regional Waste Management Division Director, and the PADEP hazardous waste authorities, and shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (batch, continuous, or other).

If the User discharges more than 100 kilograms of such waste per calendar month to the WWSA, the notification shall also contain the following:

- a) an identification of the hazardous constituents contained in the wastes;
- b) an estimation of the mass and concentration of such constituents in the wastestream to be discharged in that calendar month;
- c) an estimation of the mass and concentration of such constituents in the wastestream expected to be discharged during the following 12 months.

All notifications must take place within 180 days of the first discharge of said hazardous waste. Any notification under this Section needs to be submitted only once for each hazardous waste discharged, provided that any planned change in the volume or character of the hazardous waste discharge must be reported as provided in Section 4.14 of this Ordinance. The notification requirement does not apply to pollutants already reported under the self-monitoring requirements of this Ordinance.

In the case of any notification made under this Section, the User shall certify that it has in place a program to reduce the volume and toxicity of hazardous wastes generated.

4.17 Signatory Responsibility

All required reports submitted by a User must be signed by an authorized representative, as defined by 40 CFR 403.12(l) to be:

a) a principal executive officer of at least the level of vice president if the User is a corporation;

b) a manager of one or more manufacturing, production or operating facilities, provided that the manager is authorized to make management decisions which govern the operation of the manufacturing facility and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedure;

c) a general partner or proprietor if the User is a partnership or sole proprietorship respectively;

d) a duly authorized representative of the individual designated in (a), (b), or (c) above if the authorization is made in writing by the Person designated in (a), (b) or (c), the authorization specifies either the individual or a position having responsibility for the overall operation of the facility from which the discharge originates; and the authorization is submitted to the WVSA.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to Federal Pretreatment Regulations and/or this ordinance, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Federal Pretreatment Regulations or this Ordinance, shall be subject to the civil and criminal penalties as set forth at 40 CFR 403.12(n) governing false statements, representations or certifications in reports required under the Act, as well as 18 Pa.C.S.A. Section 4904, as amended, and other applicable State law.

4.18 Monitoring Location

The WWSA may 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 from which a discharge flows into the Sewer System. The monitoring facility should normally be situated on the User's premises, but the Municipality may, upon application by the User and when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facility shall be maintained at all times in a safe and proper operating condition at the expense of the User.

Whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the WWSA's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification of approval of the plans by the WWSA or within such other time as may be authorized by WWSA.

4.19 Classified Information

Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the WWSA that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

When requested by the person furnishing a report, 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 upon written request to governmental agencies for uses related to this Ordinance, the National Pollutant Discharge Elimination System (NPDES) Permit, and the Pretreatment Program; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristic shall not be recognized as confidential information.

Information accepted by the WWSA as confidential, shall not be transmitted to the general public by the WWSA until and unless a ten-day notification is given to the User. Information accepted as confidential by the WWSA shall be made available to governmental agencies. If requested by the User, the EPA and PADER will treat the submitted information as confidential to the extent provided in 40 CFR, Part 2.

4.20 Accidental Discharges

- a) Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials and to mitigate, reduce, and contain any such discharge shall be provided and maintained at the User's expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the WWSA for review, and shall be approved by the WWSA before construction of the facility. No User who commences Discharge of Industrial Wastewater to the Sanitary Sewer System after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge protection, containment and countermeasure procedures have been approved by the WWSA. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance.
- b) In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the WWSA of the incident. The notification shall include location of the discharge, type of waste, concentration and volume, and corrective actions being taken.
- c) Within five (5) days following an accidental discharge, the User shall submit to the Executive Director a detailed report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the WWSA, its facilities, or any other person or property; nor shall notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law. Failure to notify the Executive Director of an accidental discharge shall constitute a separate and distinct violation of this Ordinance.

d) 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 an accidental discharge. Employers shall insure that all employees who may be present in an area where an accidental discharge may occur are advised of the emergency notification procedure as well as the containment and countermeasures developed by the User to mitigate and control any such discharge.

4.21 Emergency Discharges

In the case of a Non-Domestic User that, for reasons of emergency maintenance, equipment failure, or other similar unforeseen event beyond the User's reasonable control, must Discharge Prohibited, high strength, or other Wastewater of unusual strength, character or volume, the User may apply to the Executive Director for an Emergency Discharge Permit. The Executive Director may issue such a permit, on terms and conditions as he deems appropriate, upon his review of the information provided and in his sole discretion. No discharge of the unusual Wastewater may be made until and unless an Emergency Discharge Permit has been issued. An Emergency Discharge Permit shall not be issued for longer than thirty (30) days and may be renewed only after a new application has been made.

SECTION 5 - VIOLATIONS AND ENFORCEMENT

5.1 Notification of Violation

Whenever the WWSA finds that any Non-Domestic User has violated or is violating this Ordinance, the Rules and Regulations of the WWSA, its Industrial Wastewater Discharge Permit, or any prohibition, limitation or requirements contained herein, the WWSA may serve upon such person a written Notice of Violation stating the nature of the violation. Within 30 days of the date of the notice, or within such other reasonable time as the Executive Director shall state, a plan for the satisfactory correction thereof shall be submitted to the WWSA by the User.

5.2 Show Cause Hearing

The WWSA may notify any User who is in violation of this Ordinance, an Industrial Wastewater Discharge Permit, or the Rules and Regulations of the WWSA, to show cause before the WWSA Board of Directors (or such other adjudicative body as the WWSA shall select) why a proposed enforcement action should not be taken. The notice shall be served on the User specifying the time and place of a hearing to be held by the WWSA regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the WWSA 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 ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

A Show Cause Hearing is not subject to the requirements of the Local Agency Law, 2 Pa. C.S.A. Section 551 et seq., but may be conducted as provided in that statute at the discretion of the WWSA Board or adjudicative body.

Within a reasonable time after the conclusion of a Show Cause Hearing, the Board of Directors (or adjudicative body) shall issue an opinion regarding the alleged violation and any enforcement action which it believes is appropriate. The WWSA may then proceed to undertake the recommended enforcement action, if any.

5.3 Other Legal Action

If any person discharges sewage, Industrial Wastewater or other wastes into the Sanitary Sewer System contrary to the provisions of this ordinance, Federal or state Pretreatment Requirements, the WWSA Rules and Regulations, or any Permit issued by the WWSA, the Municipal Solicitor may commence an action for appropriate legal and/or equitable relief in the Courts. When the WWSA determines the need for legal action, said action shall be undertaken by the Municipality within 30 days of notification by the WWSA.

In the alternative, for purposes of enforcement of this Ordinance and the Pretreatment Program, the Municipality hereby appoints the Wyoming Valley Sanitary Authority as its agent and authorizes the WWSA or its duly appointed agents and employees, to undertake any legal action in the name of Municipality, including but not limited to the filing of a Civil Complaint in the Court of Common Pleas of Luzerne County. In the case that WWSA acts in the name of Municipality,

Municipality shall cooperate with and support the WWSA in the prosecution of any civil action as may be necessary.

5.4 Revocation or Suspension of Permit

Any User who violates the following conditions of this Ordinance, applicable State or Federal regulations, or an Industrial Wastewater Discharge Permit is subject to having its Industrial Wastewater Discharge Permit revoked or suspended in accordance with the procedures of this Section:

- a) Failure of a User to factually and accurately report the wastewater constituents and characteristics of its discharge;
- b) Failure of the User to report significant changes in operations, or changes in Industrial Wastewater constituents and characteristics, including but not limited to changes in facilities related to the control of Slug Discharges as required by Section 4.14(f);
- c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- d) Violation of any condition of the Industrial Wastewater Discharge Permit.

Upon notice of suspension or revocation of an Industrial Wastewater Discharge Permit the User shall immediately cease the discharge of Industrial Wastewater to the Sewer System. Any discharge of Industrial Wastewater to the Sewer System after notice of revocation or suspension shall be a violation of this Ordinance and subject to the penalties provided herein. In the case of a suspension, the Permit shall be reinstated upon a showing that the User has corrected the condition for which the suspension was imposed. In the case of a revocation, the User may only receive a new Permit by going through the application process as stated in Section 4.5 of this Ordinance.

5.5 Suspension of Sewer Service

The Municipality and/or the WVSA may suspend the wastewater treatment service when such suspension is necessary, in the opinion of the WVSA, 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, to the environment, causes Interference or Pass Through at the WVSA's treatment plant or causes the WVSA or Municipality to violate or be in danger of violating any condition of an NPDES Permit or state-issued Water Quality Management Permit.

Any person notified of a suspension of the wastewater treatment service shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Municipality may, and the WVSA is authorized to, take such steps as deemed necessary including immediate severance or obstruction of the sewer connection from the User's property, to prevent or minimize damage to the Sewer System or the WVSA Facilities or endangerment to any individuals. The WVSA or the Municipality shall reinstate the wastewater treatment service only upon satisfactory proof of elimination of the non-complying discharge. All costs associated with the severance and/or reconnection of a sewer shall be incurred by the User.

5.6 Civil Penalties

Any User who is found to have violated any provision of this Ordinance, the Rules and Regulations of the WVSA, as amended, or any regulations or permits issued by the WVSA or the Municipality shall be subject to a civil penalty of not less than \$100.00 nor more than \$1,000.00 per each violation. Each day on which a violation shall occur or continue to occur shall be deemed a separate and distinct violation.

Municipality recognizes that the WVSA has independent civil penalty authority under the provisions of the Publicly Owned Treatment Works Penalty Law (Act 9 of 1992, 35 P.S. § 752.1 et seq.). Any violation of this Ordinance shall constitute a violation of the WVSA's EPA-approved industrial pretreatment program and subject an Industrial User to the penalties provided thereunder. Should WVSA choose to assess a civil penalty under its independent authority against a User who violates any provision of this Ordinance, Municipality shall cooperate to the extent necessary to aid WVSA in such an action.

In addition to the civil penalties provided herein, the Municipality and/or the WVSA may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated this Ordinance, the WVSA rules and regulations, or any permit issued hereunder.

5.7 Right of Appeal

Any User subject to an enforcement action or issuance or denial of an Industrial Wastewater Discharge Permit under this Ordinance may file an appeal with the WVSA within 15 days of receipt of the notice of the enforcement action or permit issuance, revision, or denial. Said appeal shall be conducted by the WVSA as provided in the Local Agency Law, 2 Pa. C.S.A. Section 551, et seq.

5.8 Public Notification

The WVSA shall annually publish in a local newspaper of general circulation, a list of the Significant Industrial Users which were in Significant Non-Compliance with the Pretreatment Standards and Requirements contained herein at least once during the previous calendar year. Significant Non-Compliance shall include any of the following:

a) Chronic Violations, defined as those in which 66 percent or more of all measurements taken for the same pollutant parameter during a six-month period are in excess of an applicable numeric Pretreatment Standard or Requirement, including instantaneous maximum limits;

b) Technical Review Criteria (TRC) Violations, defined as those in which 33 percent or more of all measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits multiplied by the applicable TRC. TRC is 1.4 for BOD, TSS, Oil and Grease, and 1.2 for all other pollutants except pH;

c) Any other violations of a Pretreatment Standard or Requirement, including a narrative standard, which the WVSA determines has caused or contributed to Interference or Pass Through;

d) Any discharge that has caused imminent endangerment to human health and safety or the environment, or has resulted in the WVSA's exercise of its authority to halt or prevent such a discharge under Sections 5.4 or 5.5 of this Ordinance;

e) Failure to meet a compliance schedule milestone within 90 days of the schedule date;

f) Failure to provide within 45 days after the due date, required reports as itemized in Section 4.15 of this Ordinance;

g) Failure to accurately report noncompliance;

h) Any other violation or groups of violations including a violation of a BMP imposed by a permit or implemented as part of a plan developed by the User and approved by the WVSA, which the WVSA determines to adversely affect the operation or implementation of its approved pretreatment program.

The newspaper notice shall also summarize any enforcement actions taken against the User during the same time period.

SECTION 6 - COOPERATION

The Municipality and the WVSA shall cooperate in all matters as they pertain to this Ordinance. Neither the Municipality nor the WVSA shall act in any manner so as to compromise in any way the ability of the other party to administer this Ordinance.

SECTION 7 - SEVERABILITY

The provisions of this Ordinance are severable. If any provision, paragraph, word, or section of this Ordinance is declared to be unconstitutional, illegal, or invalid, the validity of the remaining provisions, paragraphs, words, or sections shall be unaffected thereby and shall be in full force and effect. It is the intention of the Municipality that this Ordinance would have been adopted had such unconstitutional, illegal or invalid part not been included.

SECTION 8 - CONFLICT

This Ordinance repeals in its entirety all Ordinances and parts of other Ordinances which are inconsistent or conflicting with any part of this Ordinance to the extent of such inconsistency or conflict. In particular, and not by way of limitation, the Wastewater Collection and Treatment Ordinance passed by Pittston Township on April 18, 1994, is hereby repealed.

SECTION 9 - EFFECTIVE DATE

This Ordinance shall be in full force and effect from and after its passage, approval and publication, as provided by law.

Enacted by Pittston Township at a regular public meeting on
June 1, 2012.

ATTEST:



 Supervisor -
Chairman.
