

CHAPTER 18

SEWERS AND SEWAGE DISPOSAL

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PART 1

ACCEPTANCE OF WASTEWATER FOR TREATMENT AT THE PUBLICLY OWNED TREATMENT WORKS OF THE CHALFONT-NEW BRITAIN TOWNSHIP JOINT SEWAGE AUTHORITY

A. General Provisions.

§18-101. Purpose and Policy.

1. This Part sets forth uniform requirements for direct and indirect contributors into the wastewater collection system of New Britain Township which is sent for treatment to the Publicly Owned Treatment Works of the Chalfont-New Britain Township Joint Sewage Authority and enables the Chalfont-New Britain Township Joint Sewage Authority and New Britain Township to comply with all applicable State and Federal laws, including the Clean Water Act (33 U.S.C. §1251 et seq.) and the General Pretreatment Regulations (40 CFR Part 403).
2. The objectives of this Part are:
 - A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation.
 - B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters or otherwise be incompatible with the Publicly Owned Treatment Works.
 - C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.
 - D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works.
 - E. To provide for fees for the equitable distribution of the cost of operation, maintenance and improvement of the Publicly Owned Treatment Works.
 - F. To enable the Chalfont-New Britain Township Joint Sewage Authority to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.
3. This Part shall apply to users of the Publicly Owned Treatment Works. This Part authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance and enforcement activities, establishes administrative review proce-

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dures, requires user reporting and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

(Ord. 95-07-02, 7/10/1995, §1-1.1)

§18-102. Administration.

Except as otherwise provided herein, the Chalfont-New Britain Township Joint Sewage Authority shall administer and implement the provisions of this Part and New Britain Township and Chalfont-New Britain Township Joint Sewage Authority shall enforce the provisions contained herein.

(Ord. 95-07-02, 7/10/1995, §1-1.2)

§18-103. Abbreviations.

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

- A. BOD – Biological Oxygen Demand.
- B. CFR – Code of Federal Regulations.
- C. COD – Chemical Oxygen Demand.
- D. CNBTJSA – Chalfont-New Britain Township Joint Sewage Authority.
- E. EPA – U.S. Environmental Protection Agency.
- F. gpd – gallons per day.
- G. mg/l – milligrams per liter.
- H. NPDES – National Pollutants Discharge Elimination System.
- I. POTW – Publicly Owned Treatment Works.
- J. RCRA – Resource Conservation and Recovery Act.
- K. SIC – Standard Industrial Classification.
- L. TSS – Total Suspended Solids.
- M. U.S.C. – United States Code

(Ord. 95-07-02, 7/10/1995, §1-1.3)

§18-104. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereafter designated:

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

APPROVAL AUTHORITY — the Regional Administrator of the United States Environmental Protection Agency.

AUTHORIZED REPRESENTATIVE OF THE USER —

A. If the user is a corporation:

- (1) The president, secretary, treasurer or a vice-president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation.
- (2) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

C. If the user is a Federal, State or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.

D. The individuals described in subsections (A) through (C) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to the Chalfont-New Britain Township Joint Sewage Authority.

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

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CATEGORICAL PRETREATMENT STANDARD or CATEGORICAL STANDARD — any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, subchapter N, parts 405-471.

CHALFONT-NEW BRITAIN TOWNSHIP JOINT SEWAGE AUTHORITY or CNBTJSA — the administrator of the industrial pretreatment program and its employees and agents.

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

EXISTING SOURCE — any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with §307 of the Act.

GRAB SAMPLE — a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

INDIRECT DISCHARGE or DISCHARGE — the introduction of pollutants into the POTW from any nondomestic source regulated under §§307(b), (c) or (d) of the Act.

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

INTERFERENCE — a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal and therefore, is a cause of a violation of the Chalfont-New Britain Township Joint Sewage Authority's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations:

- A. Section 405 of the Act.
- B. The Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA).
- C. Any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act.
- D. The Clean Air Act.

- E. The Toxic Substance Control Act.
- F. The Marine Protection, Research and Sanctuaries Act.

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

NEW SOURCE —

- A. Any building, structure, facility or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section; provided, that:
 - (1) The building, structure, facility or installation is constructed at a site 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 of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.
- B. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subsections (A)(1) or (3) above but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of a new source as defined under this definition has commenced if the owner or operator has:
 - (1) Begun or caused to begin, as a part of a continuous on-site construction program.
 - (a) Any placement, assembly or installation of facilities or equipment.

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- (b) Significant site preparation work, including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment.
- (2) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

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

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

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

pH — a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

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

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

PRETREATMENT STANDARDS or STANDARDS — pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards and local limits.

PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES — absolute prohibitions against the discharge of certain substances, these prohibitions appear in §18-111 of this Part.

PUBLICLY OWNED TREATMENT WORKS or POTW — a treatment works as defined by §212 of the Act (33 U.S.C. §1292) which is owned by the Chalfont-New Britain Township Joint Sewage Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

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

SEWAGE — human excrement and gray water (household showers, dishwashing operations, etc.).

SIGNIFICANT INDUSTRIAL USER —

- A. A user subject to categorical pretreatment standards.
- B. A user that:
 - (1) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blow-down wastewater).
 - (2) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.
 - (3) Is designated as such by the Chalfont-New Britain Township Joint Sewage Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- C. Upon a finding that a user meeting the criteria in subsection (B) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Chalfont-New Britain Township Joint Sewage Authority may at any time, on its own initiative or in response to a petition received from a user and in accordance with procedures in 40 C.F.R. §403.8(f)(6), determine that such user should not be considered a significant industrial user.

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SLUG LOAD or SLUG — any discharge of a non-routine, episodic nature including, but not limited to, an accidental spill or non-customary batch discharge or which could cause a violation of the prohibited discharge standards of §18-111 of this Part.

STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE — a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

STORMWATER — any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snow-melt.

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

USER OR INDUSTRIAL USER — a source of indirect discharge.

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

WASTEWATER TREATMENT PLANT or TREATMENT PLANT — that portion of the POTW which is designed to provide treatment of municipal sewage and industrial wastes.

(Ord. 95-07-02, 7/10/1995, §1-1.4)

B. General Sewer Use Requirements.

§18-111. Prohibited Discharge Standards.

1. **General Prohibitions.** No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
2. **Specific Prohibitions.** No user shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 - A. Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR §261.21.

- B. Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment.
- C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference but in no case solids greater than 1/2 inch. Other prohibited substances include:
 - (1) Ashes.
 - (2) Cinders.
 - (3) Sand.
 - (4) Mud.
 - (5) Straw.
 - (6) Metal.
 - (7) Glass.
 - (8) Bones.
 - (9) Rags.
 - (10) Feathers.
 - (11) Tar.
 - (12) Plastic.
 - (13) Wood.
 - (14) Paunch manure.
 - (15) Whole blood or blood products.
 - (16) Lye.
 - (17) Building materials.
 - (18) Rubber.
 - (19) Hair.
 - (20) Shavings.
 - (21) Leather.

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- (22) China.
 - (23) Ceramic wastes.
 - (24) Asphalt.
 - (25) Paint.
 - (26) Waxes.
 - (27) Butcher offal.
 - (28) Porcelain.
 - (29) Bentonite.
- D. Pollutants, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.
- E. Wastewater having a temperature greater than 150° F. or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).
- F. Petroleum oil, non-biodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass through.
- G. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Trucked or hauled pollutants, except at discharge points designated by the Authority in accordance with §18-124 of this Part.
- I. Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.
- J. Wastewater which imparts color which cannot be removed by the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions which consequently imparts color to the treatment plant's effluent, thereby violating the CNBTJSA's NPDES permit.

- K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
 - L. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate de-ionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by the CNBTJSA.
 - M. Sludges, screenings or other residues from the pretreatment of industrial wastes.
 - N. Medical wastes, except as specifically authorized by the CNBTJSA in a wastewater discharge permit.
 - O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
 - P. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
 - Q. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW or at any point in the POTW of more than 5% or any single reading over 10% of the lower explosive limit of the meter.
 - R. Total solids of such character or quantity as to require unusual attention or expense in treatment.
 - S. Conditions which violate any statute, rule, regulation or ordinance of any public agency (including EPA).
 - T. Discharges prohibited by State or Federal regulations.
3. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the POTW.

(Ord. 95-07-02, 7/10/1995, §2-2.1)

§18-112. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, subchapter N, Parts 405-471, are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the CNBTJSA may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).

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- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the CNBTJSA shall impose an alternate limit using the combined wastestream formula in 40 CFR §403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR §403.15.

(Ord. 95-07-02, 7/10/1995, §2-2.2)

§18-113. State Pretreatment Standards.

State pretreatment standards located at Chapter 97 of Title 25 of the Pennsylvania Code are hereby incorporated.

(Ord. 95-07-02, 7/10/1995, §2-2.3)

§18-114. Local Limits.

1. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:
 - A. 4.0 mg/l arsenic.
 - B. 0.005 mg/l beryllium.
 - C. 0.650 mg/l cadmium.
 - D. 1.0 mg/l chromium.
 - E. 1.0 mg/l copper.
 - F. 0.75 mg/l cyanide (total).
 - G. 0.50 mg/l lead.
 - H. 0.020 mg/l mercury.
 - I. 2.0 mg/l nickel.

- J. 100 mg/l oil and grease and fats of animal or vegetable origin.
 - K. 100 mg/l oil and grease of petroleum origin, non-biodegradable cutting oil, mineral oil.
 - L. 0.140 mg/l selenium.
 - M. 0.730 mg/l silver.
 - N. 1.00 mg/l zinc.
2. The above limits apply at the point of discharge to the POTW. All concentrations for metallic substances are for "total" metal, unless indicated otherwise. The CNBTJSA may impose mass limitations in addition to, or in place of, the concentration based limitations above.

(Ord. 95-07-02, 7/10/1995, §2-2.4)

§18-115. Right of Revision.

The CNBTJSA may, if necessary, establish, by resolution or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. 95-07-02, 7/10/1995, §2-2.5)

§18-116. Dilution.

No user shall ever increase the use of process water or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The CNBTJSA may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or may do so in other cases when the imposition of mass limitations is appropriate.

(Ord. 95-07-02, 7/10/1995, §2-2.6)

C. Pretreatment of Wastewater.

§18-121. Pretreatment of Facilities.

Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in §18-111 of this Part within the time limitations specified by EPA, the State or the CNBTJSA, whichever is more stringent. Any facilities necessary

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for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the CNBTJSA for review and shall be acceptable to the CNBTJSA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the CNBTJSA under the provisions of this Part.

(Ord. 95-07-02, 7/10/1995, §3-3.1)

§18-122. Additional Pretreatment Measures.

1. Whenever deemed necessary, the CNBTJSA may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.
2. The CNBTJSA may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
3. Grease, oil and sand interceptors shall be provided when, in the opinion of the CNBTJSA, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil or sand, except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the CNBTJSA and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned and repaired regularly as needed by the user at their expense.
4. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 95-07-02, 7/10/1995, §3-3.2)

§18-123. Accidental Discharge/Slug Control Plans.

At least once every two years, the CNBTJSA shall evaluate whether each significant industrial user needs an accidental discharge/slug plan. The CNBTJSA may require any user to develop, submit for approval and implement such a plan. Alternatively, the CNBTJSA may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges.

- B. Description of stored chemicals.
- C. Procedures for immediately notifying the CNBTJSA of any accidental or slug discharge, as required by §18-156 of this Part.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.

(Ord. 95-07-02, 7/10/1995, §3-3.3)

§18-124. Hauled Wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by the CNBTJSA and at such times as are established by the CNBTJSA. Such waste shall not violate subpart B of this Part or any other requirements established by the CNBTJSA and/or its contributing jurisdictions. The CNBTJSA may require septic tank waste haulers to obtain wastewater discharge permits. The CNBTJSA also may prohibit the disposal of septic tank waste at its discretion.
2. The CNBTJSA shall require haulers of industrial waste to obtain wastewater discharge permits. The CNBTJSA may require generators of hauled industrial waste to obtain wastewater discharge permits. The CNBTJSA also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these regulations.
3. Industrial waste haulers may discharge loads only at locations designated by the CNBTJSA. No load may be discharged without prior consent of the CNBTJSA. The CNBTJSA may collect samples of each hauled load to ensure compliance with applicable standards. The CNBTJSA may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.
4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

(Ord. 95-07-02, 7/10/1995, §3-3.4)

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D. Wastewater Discharge Permit Application.

§18-131. Wastewater Analysis.

When requested by the CNBTJSA, a user must submit information on the nature and characteristics of its wastewater within 30 days. The CNBTJSA is authorized to prepare a form for this purpose and may periodically require users to update this information.

(Ord. 95-07-02, 7/10/1995, §4-4.1)

§18-132. Wastewater Discharge Permit Requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Authority, except that a significant industrial user that has filed a timely application pursuant to §18-133 of this Part may continue to discharge for the time period specified therein.
2. The CNBTJSA may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in subparts A through L of this Part. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State and local law.

(Ord. 95-07-02, 7/10/1995, §4-4.2)

§18-133. Wastewater Discharge Permitting; Existing Connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part and who wishes to continue such discharges in the future shall, within 60 days after said date, apply to the CNBTJSA for a wastewater discharge permit in accordance with §18-136 of this Part and shall not cause or allow discharges to the POTW to continue after 60 days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the CNBTJSA.

(Ord. 95-07-02, 7/10/1995, §4-4.3)

§18-134. Wastewater Discharge Permitting; New Connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning

or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §18-135 of this Part must be filed at least 60 days prior to the date upon which any discharge will begin or recommence.

(Ord. 95-07-02, 7/10/1995, §4-4.4)

§18-135. Wastewater Discharge Permit Application Contents.

1. All users required to obtain a wastewater discharge permit must submit a permit application. The CNBTJSA may require all users to submit as part of an application the following information:
 - A. All information required by §18-151(2) of this Part.
 - B. Description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
 - C. Number and type of employees, hours of operation and proposed or actual hours of operation.
 - D. Each product produced by type, amount, process or processes and rate of production.
 - E. Type and amount of raw materials processed (average and maximum per day).
 - F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge.
 - G. Time and duration of discharges.
 - H. Any other information as may be deemed necessary by the CNBTJSA to evaluate the wastewater discharge permit application.
2. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(Ord. 95-07-02, 7/10/1995, §4-4.5)

§18-136. Application Signatories and Certification.

All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

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

(Ord. 95-07-02, 7/10/1995, §4-4.6)

§18-137. Wastewater Discharge Permit Decisions.

The CNBTJSA will evaluate the data furnished by the user and may require additional information. Within 60 days of receipt of a complete wastewater discharge permit application, the CNBTJSA will determine whether or not to issue a wastewater discharge permit. The CNBTJSA may deny any application for a wastewater discharge permit.

(Ord. 95-07-02, 7/10/1995, §4-4.7)

E. Wastewater Discharge Permit Issuance Process.

§18-141. Wastewater Discharge Permit Duration.

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

(Ord. 95-07-02, 7/10/1995, §5-5.1)

§18-142. Wastewater Discharge Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the CNBTJSA to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five years.

- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the CNBTJSA in accordance with §18-145 of this Part and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
 - (3) Effluent limits based on applicable pretreatment standards.
 - (4) Self-monitoring, sampling, reporting, notification and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law.
 - (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.
- B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulations and equalization.
 - (2) Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
 - (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges.
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
 - (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

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- (8) Other conditions as deemed appropriate by the CNBTJSA to ensure compliance with this Part and State and Federal laws, rules and regulations.

(Ord. 95-07-02, 7/10/1995, §5-5.2)

§18-143. Wastewater Discharge Permit Appeals.

The CNBTJSA may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the CNBTJSA to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the CNBTJSA fails to act within 90 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint in the Court of Common Pleas in the jurisdiction where the building, structure, property or any part thereof is located, within 30 days after the final decision.

(Ord. 95-07-02, 7/10/1995, §5-5.3)

§18-144. Wastewater Discharge Permit Modification.

1. The CNBTJSA may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:
 - A. To incorporate any new or revised Federal, State or local pretreatment standards or requirements.

- B. To address significant alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit issuance.
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
- D. Information indicating that the permitted discharge poses a threat to the CNBTJSA POTW, personnel of the CNBTJSA or the contributing jurisdictions or the receiving waters.
- E. Violation of any terms or conditions of the wastewater discharge permit.
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting.
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13.
- H. To correct typographical or other errors in the wastewater discharge permit.
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

(Ord. 95-07-02, 7/10/1995, §5-5.4)

§18-145. Wastewater Discharge Permit Transfer.

1. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the CNBTJSA and the CNBTJSA approves the wastewater discharge permit transfer. The notice to the CNBTJSA must include a written certification by the new owner or operator which:
 - A. States that the new owner and/or operator has no immediate intent to change the facility's operation and processes.
 - B. Identifies the specific date on which the transfer is to occur.
 - C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
2. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. 95-07-02, 7/10/1995, §5-5.5)

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§18-146. Wastewater Discharge Permit Revocation.

1. The CNBTJSA may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:
 - A. Failure to notify the CNBTJSA of significant changes to the wastewater prior to the changed discharge.
 - B. Failure to provide prior notification to the CNBTJSA of changed conditions pursuant to §18-155 of this Part.
 - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
 - D. Falsifying self-monitoring reports.
 - E. Tampering with monitoring equipment.
 - F. Refusing to allow the CNBTJSA timely access to the facility premises and records.
 - G. Failure to meet effluent limitations.
 - H. Failure to pay fines.
 - I. Failure to pay sewer charges.
 - J. Failure to meet compliance schedules.
 - K. Failure to complete a wastewater survey or the wastewater discharge permit application.
 - L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
 - M. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Part.
2. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(Ord. 95-07-02, 7/10/1995, §5-5.6)

§18-147. Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with §18-136 of this Part a minimum of 60 days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. 95-07-02, 7/10/1995, §5-5.7)

F. Reporting Requirements.

§18-151. Baseline Monitoring Reports.

1. Within either 180 days after the effective date of a categorical pretreatment standard or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing categorical uses currently discharging to or scheduled to discharge to the POTW shall submit to the CNBTJSA a report which contains the information listed in subsection (2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the CNBTJSA a report which contains the information listed in subsection (B) below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
2. Users described above shall submit the information set forth below:
 - A. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - B. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - C. Description of Operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description must include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
 - D. Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestreams formula set out in 40 CFR §403.6(e).
 - E. Measurement of Pollutants.

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- (1) The categorical pretreatment standards applicable to each regulated process.
 - (2) The results of sampling and analysis identifying the nature and concentration and/or mass where required by the standard or by the CNBTJSA of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §18-160 of this Part.
 - (3) Sampling must be performed in accordance with procedures set out in §18-161 of this Part.
- F. Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- G. Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this Section must meet the requirement set out in §18-152 of this Part.
- H. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with §18-136 of this Part.

(Ord. 95-07-02, 7/10/1995, §6-6.1)

§18-152. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by §18-151(2)(G) of this Part and to compliance schedules issued by the CNBTJSA:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation).

- B. No increment referred to above shall exceed nine months.
- C. The user shall submit a progress report to the CNBTJSA no later than 14 days following each date in the schedule and the final date of compliance, including as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.
- D. In no event shall more than nine months elapse between such progress reports to the CNBTJSA.

(Ord. 95-07-02, 7/10/1995, §6-6.2)

§18-153. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards or in the case of a new source following commencement of the introduction of wastewater into the POTW, any use subject to such pretreatment standards and requirements shall submit to the CNBTJSA a report containing the information described in §18-151(2)(D-F) of this Part. For uses subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §18-136 of this Part.

(Ord. 95-07-02, 7/10/1995, §6-6.3)

§18-154. Periodic Compliance Reports.

1. All significant industrial users shall, at a frequency determined by the CNBTJSA, but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with §18-136 of this Part.
2. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

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3. If a user subject to the reporting requirement of this Section monitors any pollutant more frequently than required by the CNBTJSA, using the procedures prescribed in §18-161 of this Part, the results of this monitoring shall be included in the report.

(Ord. 95-07-02, 7/10/1995, §6-6.4)

§18-155. Reports of Changed Conditions.

Each user must notify the CNBTJSA of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 90 days before the change.

- A. The CNBTJSA may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §18-135 of this Part.
- B. The CNBTJSA may issue a wastewater discharge permit under §18-137 of this Part or modify an existing wastewater permit under §18-144 of this Part in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.

(Ord. 95-07-02, 7/10/1995, §6-6.5)

§18-156. Reports of Potential Problems.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge or a slug load that may cause potential problems for the POTW, the user shall immediately telephone and notify the CNBTJSA of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
2. Within five days following such discharge, the user shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this Part.

3. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in subsection (1) above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedures.

(Ord. 95-07-02, 7/10/1995, §6-6.6)

§18-157. Reports from Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the CNBTJSA as the CNBTJSA may require.

(Ord. 95-07-02, 7/10/1995, §6-6.7)

§18-158. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the CNBTJSA within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the CNBTJSA within 30 days after becoming aware of the violation. The user is not required to re-sample if the CNBTJSA monitors at the user's facility at least once a month or if the CNBTJSA samples between the user's initial sampling and when the user receives the results of the sampling.

(Ord. 95-07-02, 7/10/1995, §6-6.8)

§18-159. Notification of the Discharge of Hazardous Waste.

1. Any user who discharges hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must 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 (continuous, batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user, an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notification must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted

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under §18-155 of this Part. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-151, 18-153 and 18-154 of this Part.

2. In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the CNBTJSA, the EPA Regional Waste Management Waste Division Director and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.
3. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
4. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder or any applicable Federal or State law.
5. The CNBTJSA may prohibit the discharge of hazardous waste to the POTW at its discretion.

(Ord. 95-07-02, 7/10/1995, §6-6.9)

§18-160. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

(Ord. 95-07-02, 7/10/1995, §6-6.10)

§18-161. Sample Collection.

1. Except as indicated in subsection (2) below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the CNBTJSA may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. When deemed appropriate by the CNBTJSA grab samples may be used in place of composites.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

(Ord. 95-07-02, 7/10/1995, §6-6.11)

§18-162. Timing.

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

(Ord. 95-07-02, 7/10/1995, §6-6.12)

§18-163. Record Keeping.

Users subject to the reporting requirements of this Part shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method and time of sampling and the name of the person(s) taking the samples, the dates analyses were performed, who performed the analyses, the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three years. This period shall be automatically extended for the duration of any litigation concerning the user or the CNBTJSA or where the user has been specifically notified of a longer retention period by the CNBTJSA.

(Ord. 95-07-02, 7/10/1995, §6-6.13)

G. Compliance Monitoring.

§18-171. Right of Entry; Inspection and Sampling.

The CNBTJSA shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow the CNBTJSA ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the CNBTJSA will be permitted to enter without delay for the purposes of performing specific responsibilities.

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- B. The CNBTJSA shall have the right to set upon on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The CNBTJSA may require the user to install monitoring equipment and monitoring manholes as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as per needed to manufacturer's specifications to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the CNBTJSA and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing the CNBTJSA access to the user's premises shall be a violation of this Part.

(Ord. 95-07-02, 7/10/1995, §7-7.1)

§18-172. Search Warrants.

If the CNBTJSA has been refused access to a building, structure or property or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this Part or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the CNBTJSA designed to verify compliance with this Part or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the CNBTJSA may seek issuance of a search warrant from the district court having jurisdiction where the building, structure, property or any part thereof is located.

(Ord. 95-07-02, 7/10/1995, §7-7.2)

H. Confidential Information.

§18-175. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from the CNBTJSA's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the CNBTJSA, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of

the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR §2.302 will not be recognized as confidential information and will be available to the public without restriction.

(Ord. 95-07-02, 7/10/1995, §8)

I. Publication of Users in Significant Noncompliance.

§18-181. Publication of Users in Significant Noncompliance.

The CNBTJSA shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOC, TSS, fats, oils and grease and 1.2 for all other pollutants except pH).
- C. Any other discharge violation that the CNBTJSA believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the CNBTJSA exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance.

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- F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, period self-monitoring reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation(s) which the CNBTJSA determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 95-07-02, 7/10/1995, §9)

- J. Administrative Enforcement Remedies.

§18-191. Notification of Violation.

When the CNBTJSA finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the CNBTJSA may serve upon that user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the CNBTJSA. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the CNBTJSA to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(Ord. 95-07-02, 7/10/1995, §10-10.1)

§18-192. Consent Orders.

The CNBTJSA may enter into consent orders, assurance of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§18-194 and 18-195 of this Part and shall be judicially enforceable.

(Ord. 95-07-02, 7/10/1995, §10-10.2)

§18-193. Show Cause Hearing.

The CNBTJSA may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other

pretreatment standard or requirement, to appear before the CNBTJSA and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 30 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against or prerequisite for taking any other action against the user.

(Ord. 95-07-02, 7/10/1995, §10-10.3)

§18-194. Compliance Orders.

When the CNBTJSA finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the CNBTJSA may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designated to minimize the amount of pollutants discharged to the sewer. A compliance order does not relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 95-07-02, 7/10/1995, §10-10.4)

§18-195. Cease and Desist Orders.

1. When the CNBTJSA finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement or that the user's past violations are likely to recur, the CNBTJSA may issue an order to the user directing it to cease and desist all such violation and directing the user to:
 - A. Immediately comply with all requirements.
 - B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

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(Ord. 95-07-02, 7/10/1995, §10-10.5)

§18-196. Administrative Fines.

1. When the CNBTJSA finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Authority may fine such user in an amount not to exceed \$10,000. Such fines shall be assessed on a per violation per day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
2. Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance and interest shall accrue thereafter at a rate of 10% per year. A lien against the user's property will be sought for unpaid charges, fines and penalties.
3. Users desiring to dispute such fines must file a written request for the CNBTJSA to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the CNBTJSA may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The CNBTJSA may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(Ord. 95-07-02, 7/10/1995, §10-10.6)

§18-197. Emergency Suspensions.

1. The CNBTJSA may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The CNBTJSA may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents, or may present, an endangerment to the environment.
 - A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the CNBTJSA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. The CNBTJSA may allow the user to recommence its discharge when the user has demonstrated to the

satisfaction of the CNBTJSA that the period of endangerment has passed, unless the termination proceedings in §18-199 of this Part are initiated against the user.

- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the cause of the harmful contribution and the measures taken to prevent any future occurrence, to the CNBTJSA prior to the date of any show cause or termination hearing under §§18-193 or 18-198 of this Part.
2. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(Ord. 95-07-02, 7/10/1995, §10-10.7)

§18-198. Termination of Discharge.

1. In addition to the provisions in §18-146 of this Part, any user who violates the following conditions is subject to discharge termination:
- A. Violation of wastewater discharge permit conditions.
 - B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - C. Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
 - D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
 - E. Violation of the pretreatment standards in subpart B of this Part.
2. Such users will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §18-193 of this Part why the proposed action should not be taken. Exercise of this option by the CNBTJSA shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 95-07-02, 7/10/1995, §10-10.8)

K. Judicial Enforcement Remedies.

§18-199.1. Injunctive Relief.

When the CNBTJSA finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other

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pretreatment standard or requirement, the CNBTJSA may petition the Court of Common Pleas of Buck County through the CNBTJSA's Attorney for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order or other requirement imposed by this Part on activities of the user. The CNBTJSA may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 95-07-02, 7/10/1995, §11-11.1)

§18-199.2. Civil Penalties.

1. A user who has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall be liable to the CNBTJSA for a maximum civil penalty of \$10,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
2. The CNBTJSA may recover reasonable attorney's fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the CNBTJSA.
3. In determining the amount of civil liability, the court shall take into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 95-07-02, 7/10/1995, §11-11.2)

§18-199.3. Criminal Prosecution.

1. A user who willfully or negligently violates any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$10,000 per violation, per day or imprisonment for not more than one year or both.
2. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$10,000 or be subject to

imprisonment for not more than one year, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

3. A user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other documentation filed or required to be maintained, pursuant to this Part, wastewater discharge permits or order issued hereunder or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Part shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, per day or imprisonment for not more than one year, or both.
4. In the event of a second conviction, a user shall be punished by a fine of not more than \$10,000 per violation, per day or imprisonment for not more than one year, or both.

(Ord. 95-07-02, 7/10/1995, §11-11.3)

§18-199.4. Remedies Nonexclusive.

The remedies provided for in this Part are not exclusive. The CNBTJSA may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the CNBTJSA enforcement response plan. However, the CNBTJSA may take other actions against any user when the circumstances warrant. Further, the CNBTJSA is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 95-07-02, 7/10/1995, §11-11.4)

L. Supplemental Enforcement Action.

§18-199.11. Performance Bonds.

The CNBTJSA may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the CNBTJSA, in a sum not to exceed a value determined by the CNBTJSA to be necessary to achieve consistent compliance.

(Ord. 95-07-02, 7/10/1995, §12-12.1)

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§18-199.12. Liability Insurance.

The CNBTJSA may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(Ord. 95-07-02, 7/10/1995, §12-12.2)

§18-199.13. Water Supply Severance.

Whenever a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after the user has satisfactorily demonstrated its ability to comply.

(Ord. 95-07-02, 7/10/1995, §12-12.3)

§18-199.14. Public Nuisances.

A violation of any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the CNBTJSA. Any person(s) creating a public nuisance shall be subject to the provisions of the laws of the Commonwealth of Pennsylvania governing such nuisance and/or the laws of the Borough and/or Township in which the property is located, including reimbursing the municipal jurisdiction or the CNBTJSA for any costs incurred in removing, abating or remedying said nuisance.

(Ord. 95-07-02, 7/10/1995, §12-12.4)

§18-199.15. Contractor Listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to New Britain Township and/or CNBTJSA. Existing contracts for the sale of goods or services to the CNBTJSA or New Britain Township held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the CNBTJSA and/or New Britain Township.

(Ord. 95-07-02, 7/10/1995, §12-12.5)

M. Affirmative Defense to Discharge Violations.

§18-199.21. Upset.

1. For the purposes of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection (3) below are met.
3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - A. An upset occurred and the user can identify the cause(s) of the upset.
 - B. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures.
 - C. The user has submitted the following information to the CNBTJSA within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days):
 - (1) A description of the indirect discharge and cause of noncompliance.
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - (3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative

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method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. 95-07-02, 7/10/1995, §13-13.1)

§18-199.22. Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §18-18-111(1) of this Part of the specific prohibitions in §18-111(2)(C) through (T) of this Part if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass through or interference.
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the CNBTJSA was regularly in compliance with its NPDES permit and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 95-07-02, 7/10/1995, §13-13.2)

§18-199.23. Bypass.

1. For the purpose of this Section:
 - A. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
 - B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of subsections (3) and (4) of this Section.
3. Advance Notice.

- A. If a user knows in advance of the need for a bypass, it shall submit prior notice to the CNBTJSA, at least 10 days before the date of the bypass, if possible.
 - B. A user shall submit oral notice to the CNBTJSA of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass.
4. Bypass.
- A. Bypass is prohibited and the CNBTJSA may take an enforcement action against a user for a bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate backup equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - (3) The user submitted notice as required under subsection (3) of this Section.
 - B. The CNBTJSA may approve an anticipated bypass, after considering its adverse effects, if the CNBTJSA determines that it will meet the three conditions listed in subsection (4)(A) of this Section.

(Ord. 95-07-02, 7/10/1995, §13-13.3)

N. Miscellaneous Provisions.

§18-199.31. Pretreatment Charges and Fees.

The CNBTJSA may adopt reasonable fees for reimbursement of costs of setting up and operating the CNBTJSA's pretreatment program which may include:

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- A. Fees for wastewater discharge permit applications, including the cost of processing such applications.
- B. Fees for monitoring, inspection and surveillance procedures, including the cost of collection and analyzing a user's discharge and reviewing monitoring reports submitted by users.
- C. Fees for reviewing and responding to accidental discharge procedures and construction.
- D. Fees for filing appeals.
- E. Other fees as the CNBTJSA may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Part and are separate from all other fees, fines and penalties chargeable by the CNBTJSA.

(Ord. 95-07-02, 7/10/1995, §14)

PART 2

IMPLEMENTATION OF THE PENNSYLVANIA SEWAGE FACILITIES ACT

§18-201. Definitions.

ACT — the Pennsylvania Sewage Facilities Act (35 P.S. §§750.1-750.20).

COMMUNITY SEWAGE SYSTEMS — any system, whether publicly or privately owned, for the collection of sewage from two or more lots or the disposal of the sewage on one or more lots or at any other site. This term includes community on-lot sewage systems, including sand mounds.

CONVENTIONAL SEWAGE SYSTEM — a system employing the use of demonstrated on-lot sewage treatment and disposal technology in a manner specifically recognized by the regulations promulgated under the Act. This term include individual lot sewage systems, including individual sand mounds.

DEPARTMENT — Department of Environmental Protection of the Commonwealth of Pennsylvania.

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

CHEMICAL TOILET — Toilet using chemicals that discharge into a holding tank.

PRIVY — Holding tank designed to receive sewage where water under pressure is not available.

RETENTION TANK — Holding tank to which sewage is conveyed by a water carrying system.

INDIVIDUAL RESIDENTIAL SPRAY IRRIGATION SYSTEM (IRSIS) — an individual sewage system permitted under §7 of the Sewage Facilities Act, which serves a single dwelling and which treats and disposes of sewage using a system of piping, treatment tanks and soil renovation through spray irrigation.

INDIVIDUAL SEWAGE SYSTEM — a system of piping, tanks or other facilities serving a single lot and collecting and disposing of sewage in whole or in part into the soil or into any waters of this Commonwealth.

LOT — a part of a subdivision or a parcel of land used as a building site or intended to be used for building purposes, whether immediate or future.

PERSON — any individual, association, public or private corporation for profit or not for profit, partnership, firm, trust, estate, department, board, bureau or

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agency of the Commonwealth political subdivision, authority or any other legal entity whatsoever which is recognized by law as the subject of rights and duties. Whenever used in any clause prescribing and imposing the penalty or imposing a fine or imprisonment, the term person shall include the members of an association, partnership or firm and the officers of any local agency or municipal, public or private corporation for profit or not for profit.

PUBLIC SEWAGE SYSTEM — sewer system and the treatment facility owned, operated or maintained by a municipality or municipal authority approved by the Department under a permit issued pursuant to the Clean Streams Law, 35 P.S. §691.1, et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

SEWAGE — any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substances being harmful or inimical to the public health or to animal or aquatic life or to the use of water for domestic supply or for recreation or which constitutes pollution under the Act of June 22, 1937, (P.L. 1987, 394), known as the “Clean Streams Law,” as amended.

SMALL FLOW TREATMENT FACILITY — an individual or community sewage system designed to adequately treat sewage flows not greater than 2,000 gallons per day for final disposal using a stream discharge or discharge to the surface of the ground.

TOWNSHIP — the Township of New Britain, Bucks County, Pennsylvania.

(Ord. 01-01-01, 1/22/2001, Art. I)

§18-202. Sewage Facilities Act Implemented.

This Part shall be construed as implementing for the Township of New Britain the provisions of the Pennsylvania Sewage Facilities Act, P.L. 1535, January 24, 1966, 35 P.S. §750.1, et seq., as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

(Ord. 01-01-01, 1/22/2001, Art. II)

§18-203. Connection With Individual Sewage Systems.

Where public sewer services are not available to a property owner, the building sewer shall be connected to an individual sewage system complying with the provisions of this Part and the Act.

(Ord. 01-01-01, 1/22/2001, Art. III)

§18-204. Conformity to all Regulations.

The type, capacities, location and layout of a community sewage system or an individual sewage system and building sewer shall comply with all rules, regulations and ordinances of New Britain Township, the Bucks County Department of Health, the Pennsylvania Department of Environmental Protection and all applicable statutes of the Commonwealth of Pennsylvania.

(Ord. 01-01-01, 1/22/2001, Art. IV)

§18-205. Holding Tanks.

1. Holding Tank Regulations. If the Bucks County Department of Health or the Pennsylvania Department of Environmental Protection determines that the use of a holding tank is necessary to abate a nuisance or public health hazard, or for use by an institutional, recreational or commercial establishment with a sewage flow of 400 gallons per day or less, or for temporary installation when an Act 537 provision provides for a replacement of the temporary holding tank by adequate sewage services in accordance with the schedule approved by the Pennsylvania Department of Environmental Protection, such holding tanks shall be subject to the following additional regulations:
 - A. The collection and transportation of all sewage from any use utilizing a holding tank shall be performed under the direction and control of the Bucks County Department of Health. The disposal site thereof shall be made only at such site or sites as may be approved by the Pennsylvania Department of Environmental Protection.
 - B. All holding tanks shall be permitted by the Bucks County Department of Health and/or the Pennsylvania Department of Environmental Protection. Copies of all Bucks County Department of Health and/or Pennsylvania Department of Environmental Protection permits and plans shall be filed with the Township by the permit holder.
 - C. All property owners or permit holders shall be approved by the Township through an agreement to hold the Township harmless in the event of a claim against the Township arising from the operation of the holding tank and shall furthermore pay a non-refundable fee to the Township for costs of administration of its sewage maintenance program and for future compliance monitoring and/or enforcement of this Part.
2. Public Sewer Connections. From time to time in the future, as public sewage services become available for a property utilizing an IRSIS, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines. The IRSIS must be disconnected and disposed of in ac-

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cordance with applicable Pennsylvania Department of Environmental Protection and Bucks County Department of Health rules and regulations.

(Ord. 01-01-01, 1/22/2001, Art. V)

§18-206. Individual Residential Spray Irrigation Systems.

1. The owner of a property that utilizes an individual spray irrigation system shall:
 - A. Construct and maintain the system in conformance with this and any ordinance of the Township, the Act and the rules and regulations of the Bucks County Department of Health and the Pennsylvania Department of Environmental Protection and all applicable statutes of the Commonwealth of Pennsylvania.
 - B. Execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system and furthermore pay a non-refundable fee to the Township for its cost of administration, future compliance monitoring and enforcement of this Part.
2. Public Sewer Connections. From time to time in the future, as public sewage services become available for a property utilizing an IRSIS, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines. The IRSIS must be disconnected and disposed of in accordance with applicable Pennsylvania Department of Environmental Protection and Bucks County Department of Health rules and regulations.

(Ord. 01-01-01, 1/22/2001, Art. VI)

§18-207. Small Flow Treatment Facilities.

1. The owner of a property that utilizes an individual small flow treatment system shall:
 - A. Construct and maintain the system in conformance with this and any ordinance of the Township, the Act and rules and regulations of the Bucks County Department of Health and the Pennsylvania Department of Environmental Protection and all applicable statutes of the Commonwealth of Pennsylvania.
 - B. Execute an agreement with the Township to hold the Township harmless in the event of a claim against the Township arising from the operation and maintenance of the system and furthermore pay a non-refundable fee to the Township for its cost of administration, future compliance monitoring and enforcement of this Part.

2. Public Sewer Connections. From time to time in the future, as public sewage services become available for a property utilizing a small flow treatment facility, each and every owner of such property shall be required to make the necessary connection to the abutting or adjoining sewer lines. The small flow treatment facility must be disconnected and disposed of in accordance with applicable Pennsylvania Department of Environmental Protection and Bucks County Department of Health rules and regulations.

(Ord. 01-01-01, 1/22/2001, Art. VII)

§18-208. Conventional Sewage Systems.

Permit approval from the Bucks County Board of Health and the Department shall be required for the installation of an individual conventional sewage system and building sewer prior to the construction of any buildings for which such system or systems will be installed and prior to the alteration, replacement, repair or extension of any such existing sewage system.

(Ord. 01-01-01, 1/22/2001, Art. VIII)

§18-209. Sewage Maintenance Agreements; Fees.

1. All owners of property or persons who propose utilizing a holding tank, individual spray irrigation system, small flow treatment facility or community sewage system shall execute a sewage facilities maintenance agreement with the Township. The agreement shall provide for a non-refundable fee to the Township for administration and future compliance monitoring and shall furthermore provide for sufficient financial security to guarantee the proper operation and maintenance of the proposed facility in accordance with the Act, which may include cash, a letter of credit or other Township approved financial security.
2. All owners of property or persons proposing a holding tank, IRSIS, small flow treatment facility or community sewage system shall pay a non-refundable fee to be set by separate resolution of the Board of Supervisors and shall furthermore pay for all Township costs related to the required sewage maintenance agreement.

(Ord. 01-01-01, 1/22/2001, Art IX)

§18-210. Additional Rules and Regulations Authorized.

The Board of Supervisors is hereby authorized to make and promulgate any additional rules and regulations for the review, regulation, approval, administration and enforcement of sewage systems within New Britain Township not in conflict with this Part and violations of the same shall be subject to the same penalties as provided in this Part.

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(Ord. 01-01-01, 1/22/2001, Art. X)

§18-211. Penalty.

1. In the event that any person or property owner fails to construct, operate or maintain an individual or community sewage system in accordance with this Part, the Act or the rules and regulations of the Bucks County Department of Health or the Pennsylvania Department of Environmental Protection, the Township may revoke any certificate of occupancy issued for the use or uses being served by the individual or community sewage system.
2. Any person or property owner who shall violate any provision of this Part, shall upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
3. In addition to or in lieu of enforcement by action before a Magisterial District Judge, the Township may enforce this Part in equity or it may find the person or property owner in violation of this Part and in default of any financial security provisions provided for in the Township's Sewage Maintenance Agreement.

(Ord. 01-01-01, 1/22/2001, Art. XI; as amended by Ord. 2007-02-01, 2/12/2007)

PART 3
EDU ALLOCATIONS

§18-301. Prerequisite for Grant of EDUs.

1. The following criteria are established as prerequisites for the grant of EDUs to any applicant:
 - A. The applicant must own the property to be served by the EDUs being requested.
 - B. The applicant must have a final approved subdivision, land development or PRD plan showing at least the number of units for which EDUs are being requested or in the case of an individual the right to a building or zoning permit.
 - C. All approvals from outside agencies must be served prior to EDU allocation.
 - D. Standard improvement contracts with appropriate security must be in place with the Township.

(Res. 86-3, 2/24/1986; as amended by Ord. 2007-02-01, 2/12/2007)

