

ORDINANCE NO. 284 OF 2010

AN ORDINANCE OF EAST LAMPETER TOWNSHIP, LANCASTER COUNTY, PENNSYLVANIA, AMENDING EAST LAMPETER TOWNSHIP SEWER ORDINANCE NO. 171 OF 1995, AS PREVIOUSLY AMENDED BY ORDINANCE 276 ADOPTED JANUARY 5, 2009, BY ADDING OR MODIFYING THE DEFINITIONS FOR "MAXIMUM DAILY LIMIT" AND "SIGNIFICANT NON-COMPLIANCE" INCLUDING MODIFICATIONS TO RESTRICTIONS ON SLUG LOAD OR SLUG DISCHARGE, MODIFYING PUBLICATION REQUIREMENTS FOR SIGNIFICANT VIOLATORS AND CORRECTING TYPOGRAPHICAL ERRORS.

WHEREAS, the Supervisors of East Lampeter Township, on May 16, 1969, adopted an Ordinance which, *inter alia*, regulates the use of public sanitary sewers in a portion of East Lampeter Township, known generally as the Zook's Corner area; and

WHEREAS, the Supervisors of East Lampeter Township, on June 28, 1971, adopted a sewer Ordinance for the purpose of regulating the use of sanitary Sewer lines in a portion of East Lampeter Township, generally known as Hempstead Road; and

WHEREAS, the Supervisors of East Lampeter Township, on May 1, 1978, adopted an Ordinance regulating Industrial Waste and Pollutant Discharge into the municipal sewer system in East Lampeter Township; and

WHEREAS, by Agreements between the City of Lancaster, Pennsylvania, and the Township of East Lampeter, *et al*, dated June 24, 1968, November 9, 1970, and August 1, 1983, sewage from the aforesaid areas and other portions of East Lampeter Township are carried for treatment to and treated at facilities of the City of Lancaster and said Agreements provide that the regulations within the Township of East Lampeter shall be at least as strict as those imposed upon users in the City of Lancaster, Pennsylvania; and

WHEREAS, the Supervisors of East Lampeter Township altered and upgraded the requirements of the preceding Ordinances by their Ordinance No. 171 of 1995 adopted February 21, 1995, to coincide with requirements imposed by the City of Lancaster, Pennsylvania; and

WHEREAS, the Supervisors of East Lampeter Township further altered and upgraded the requirements of the preceding Ordinances by their Ordinance No. 276 of 2009, adopted January 5, 2009 to coincide with requirements imposed by the City of Lancaster, Pennsylvania; and

WHEREAS, it has now become necessary, due to Amendments to various Ordinances of the City of Lancaster, Pennsylvania, and regulations of the Environmental Protection Agency, for the Township

of East Lampeter to further upgrade its criteria and requirements for discharge of sewage into the aforesaid sewage system as provided for in the aforesaid Ordinance No. 171 of 1995.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED AND ENACTED that Ordinance No. 171 of 1995 adopted February 21, 1995 as amended by Ordinance No. 276 of 2009 adopted January 5, 2009, is hereby amended so as to read as follows:

## SECTION 1 DEFINITIONS

The following words, terms and phrases shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

- (a) "Authorized industrial waste" means industrial waste to be discharged into a sanitary sewer or storm sewer, which complies with all provisions of this Ordinance regarding quantity and quality, is approved in writing by the Control Authority, and in the case of discharge into a storm sewer, is also approved in writing by a commercial/industrial discharge permit or other means of authorization by the Control Authority, and by the Pennsylvania Department of Environmental Protection and/or the Environmental Protection Agency.
- (b) "Authorized or Duly Authorized Representative" means:
  - (1) For a corporation:
    - a. the president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - b. The manager of one or more manufacturing, production, or operating facilities provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) A partner or the general manager of the user facility if the industrial user is a partnership;



- (3) The owner or the general manager of the user facility if the industrial user is a proprietorship; or
  - (4) A director or highest appointed official designated to oversee the operation and performance of the activities of the user facility, or their designee if the industrial user is a Federal, State or Local government facility.
  - (5) The person duly designated as the authorized representative by the corporation, partnership, proprietorship or Federal, State or Local Government, provided such person shall be actually responsible for overall operation of the user facilities or for overall environmental matters for the user facilities, such authorization is presented in writing and written authorization is submitted to the Control Authority.
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- (a) “Average Monthly Limit”, “(AML)”, means the concentration limit established in Section 3 which applies to the average of at least two sampling events conducted within a calendar month. When only one sampling event occurs within a calendar month or a more extended period (i.e. quarterly), the average monthly limit shall apply.
  - (b) “Authority” means the East Lampeter Sewer Authority.
  - (c) “Baseline Monitoring Report” refers to the report required in 40 CFR Part 403.12 to be submitted by all industrial users subject to National Pretreatment Standards.
  - (d) “Best Management Practices (BMPs)” refers to schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a) (1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
  - (e) “B.O.D. (Biochemical Oxygen Demand)” means the quantity of dissolved oxygen consumed in the biochemical oxidation of the organic matter in waste under standard laboratory procedure in five (5) days at 20 degrees Celsius, expressed in milligrams per liter (mg/l). It shall be determined by one of the acceptable methods described in 40 CFR Part 136.
  - (f) “Building drain” means the part of the lowest piping of a drainage system which receives the discharge from waste pipes inside the building and conveys from the building to the lateral or grinder unit.
  - (g) “Lateral” means the part of the drainage system which connects the building drain to the public sewer.

- (h) "Categorical Pretreatment Standard", "Categorical Standard" means quantities or concentrations of pollutants or pollutant properties which may be discharged to sewerage system by existing or new industrial users in specific industrial subcategories as established in appropriate subpart of 40 CFR Chapter I, subchapter N, Parts 405-471.
- (k) "Chlorine demand" means the quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 ppm, after fifteen (15) minutes contact.
- (l) "City" means the City of Lancaster, Lancaster County, Pennsylvania Municipal Corporation.
- (m) "Clean Water Act (CWA)" refers to the Federal Water Pollution Control Act, 62 Stat.1155, 33 U.S.C. § 1251 et seq.
- (n) "Color" of an industrial waste is the color of the light transmitted by the waste solution after removing the suspended material, including the pseudo-colloidal particles.
- (o) "Cooling Water" refers to the water discharged from any use, such as air conditioner or air compressor condensate, cooling or refrigeration, or to which the only pollutant added is heat.
- (p) "Commercial/Industrial Discharge Permit" refers to a permit issued to those industrial users that the Township does not classify as Significant Industrial Users, but are considered to have a minor impact, either potential or realized, either singly or in combination with other contributing commercial or industrial establishments, on the sewerage system and/or the sewage treatment plant (either its operational efficiency, effluent quality or of the sludge produced by such facility).
- (q) "Commercial use or commercial establishment" means and refers to a property which is intended to be used for the purpose of carrying on a trade, business or profession, or for social, religious, educational, charitable or public uses.
- (r) "Composite sample" means a combination of individual samples obtained at regular intervals over a specified time period. The volume of each individual sample may be either proportional to the flow rate during the sample period (flow composite) or constant and collected at equal time intervals during composite period (time composite).
- (s) "Connected user" means a user located in the service area that discharges into the sewerage system through a direct connection point that has been approved by the Township.
- (t) "Control Authority" means the Township Manager or his authorized deputy, agent or representative. The Control Authority shall have the ability to designate an authorized



deputy, agent or representative for any portion(s) of the duties assigned under this Ordinance.

- (u) "Department of Environmental Protection (DEP)" means the Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the Commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.
- (v) "Dissolved solids" means that concentration of matter in a waste consisting of colloidal particulate matter, and both organic and inorganic molecules and ions present in solution that pass through a standard filter according to the approved procedures outlined in 40 CFR Part 136.
- (w) "Domestic user" means and refers to an improved property or to any person discharging only sewage.
- (x) "Environmental Protection Agency (EPA)" means the Environmental Protection Agency of the United States, or any agency or department of the United States succeeding to the existing jurisdiction or responsibility of the Environmental Protection Agency.
- (y) "Garbage" means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.
- (z) "Grab sample" means a sample taken from waste on a one time basis with no regard to flow in the waste and collected over a period of time not exceeding fifteen (15) minutes but shall reasonably reflect actual discharge conditions for that instant.
- (aa) "Grinder Pump" means the receiving tank, grinder pump, controls and appurtenances provided to reduce the size of the sewage solids and pump sewage into the sewerage system.
- (bb) "Ground garbage" means garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particles greater than one-half inch in any direction.
- (cc) "Groundwater" means that which is contained in or passing through the ground.
- (dd) "Hauler" means any person who alone, jointly or severally with others, conducts or operates a tank truck or trucks, for use in the removal, transportation and disposal of sewage and industrial wastes.
- (ee) "Hearing Board" means the board appointed according to provisions of Section 9 hereof.

- (ff) "Holding Tank" means a watertight receptacle designed to receive and retain sewage and industrial waste and is constructed to facilitate the ultimate disposal of said wastes at another site.
- (gg) "Improved Property" means any property upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure or structures sewage and/or industrial waste shall be, or may be, discharged and which wastes are accepted into the Township's sewerage system as it exists now or with any extensions or enlargements that may be made in the future at any time.
- (hh) "Industrial User" Means any connected user that is not a domestic user.
- (ii) "Industrial waste" means solids, liquids or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovering or processing of natural resources, or any wastes having any of the characteristics described under Section 2 of this Ordinance, as distinct from but not sewage.
- (jj) "Industrial Waste Discharge Permit" means a permit issued to an industrial user in accordance with Section 4 of this Ordinance.
- (kk) "Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, results in a violation of any requirement of the sewage treatment plant's NPDES Permit or prevents sludge use or disposal in compliance with State statutes or regulations, § 405 of the CWA (33 U.S.C. 1345 et seq.) or any criteria, guidelines or regulations developed pursuant to the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.), the Clean Air Act (42 U.S.C. 7401 et seq.), or the Toxic Substances Control Act (15 U.S.C. 2601 et seq.), applicable to the method of disposal or use employed by the sewage treatment plant, or causes a pass through or disruption of operations at the sewage treatment plant.
- (ll) "Maximum Daily Limit (MDL)" means the maximum allowable discharge limit of a pollutant during a calendar day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken during that day.
- (mm) "mg/l" means milligrams per liter.
- (nn) "Municipality" means any county, county authority, municipal authority, city, borough, township or school district.



- (oo) "National Pollutant Discharge Elimination System Permit (NPDES Permit)" means a permit issued under the National Pollutant Discharge Elimination System (NPDES) for discharge to the navigable waters of the United States pursuant to Section 402 of the CWA.
- (pp) "National Pretreatment Standard", "Pretreatment Standard" or "Standard" means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the CWA, the general and specific prohibitions found in 40 CFR, Section 403.5, and categorical pretreatment standards.
- (qq) "New Source" means any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the CWA which have been promulgated in accordance with that section and which are applicable to such source, provided that:
- (1) the building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (2) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (3) the production of waste 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.

Determination of "New Source" status shall be consistent with the provisions of 40 CFR Part 403.3 (m) (1), (2), (3).

- (rr) "Non-filterable residue" means solids that either floats to the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of non-filterable residue shall be determined by one of the acceptable methods described in 40 CFR Part 136.
- (ss) "Operator" means any person having charge, care, management or control of a tank truck or trucks for use in the removal, transportation and disposal of sewage and industrial wastes.

- (tt) "Owner" means any person vested with ownership, legal or equitable, sole or partial, of an improved property.
- (uu) "Pass through" means a discharge which exits the sewage treatment plant into waters of the United States in quantities or concentrations which, alone or in conjunction with other discharges, is a violation of the sewage treatment plant's NPDES Permit or of any applicable local, state or federal water quality criteria.
- (vv) "Person" means any individual, firm, partnership, company, association, society, corporation, a joint stock company, a trust, an unincorporated association, a governmental body, a political subdivision, a municipality, a municipal authority or any other group or legally recognized entity. The masculine gender shall include the feminine; singular shall include the plural where indicated by the context.
- (ww) "pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution indicating the degree of acidity or alkalinity of a substance. The measurement of pH shall be determined by one of the accepted methods described in 40 CFR Part 136.
- (xx) "Pollutants" means any material that, when added to water, shall render that water (either because of the nature of quantity of the material) unacceptable for its original intended use; including, but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, sand, cellar dirt, and industrial, municipal, and agricultural wastes.
- (yy) "Pretreatment" means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in waste to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the sewerage system. The reduction or alteration can be obtained by physical, chemical or biological processes or by process changes by other means.
- (zz) "Pretreatment requirement" means any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard, imposed on an industrial user.
- (aaa) "Premises accessible to the sewerage system" means any improved property where the public sewer abuts, bounds or is adjacent to the property.
- (bbb) "Qualified analyst" means any person holding at least an undergraduate degree in chemistry or closely allied field (e.g. biology, sanitary engineering), or any other person who has demonstrated competency in waste analysis by having analyzed satisfactorily a minimum of three reference waste samples as supplied upon request by the Control Authority.



- (ccc) "Report on Compliance with Categorical Pretreatment Standards" refers to the report required by 40 CFR part 403.12(d), to be submitted by all Industrial users subject to applicable Categorical Pretreatment Standards.
- (ddd) "Sampling event" means one or a combination of two or more grab samples collected within a single day for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics; and for all other parameters, a composite sample accumulated over an appropriate time span as to account for temporal fluctuations in pollutant concentrations.
- (eee) "Sanitary sewer" means a sewer which carries sewage and/or industrial wastes and to which storm, surface and ground waters are not intentionally admitted.
- (fff) "Sewage" means any substance that contains any of the waste products or excretions or other discharge from the bodies of human beings or animals.
- (ggg) "Sewerage system" or "sewerage facility" means all facilities operated by the Township, which are used for collecting and transporting sewage and authorized industrial waste.
- (hhh) "Sewage treatment plant" means any arrangement of devices and structures used for treating sewage and authorized industrial waste.
- (iii) "Sewer" means a pipe or conduit for carrying sewage, industrial waste or storm or surface water.
- (jjj) "Shall" is mandatory; "may" is permissive.
- (kkk) "Significant Industrial User" means:
- (1) all industrial users subject to Categorical pretreatment Standards under 40 CFR Part 403.6 and 40 CFR Chapter 1, Subchapter N; or
  - (2) any industrial user of the Township sewerage system who has a discharge flow of 25,000 gallons or more per average work day of process waste, or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic flow or five percent (5%) or more of the organic (BOD) capacity of the City's sewage treatment plant; or
  - (3) any industrial user found by the Township, EPA or DEP to have significant impact, either potential or realized, either singly or in combination with other contributing industries, on the sewerage system of either the Township or City and/or the City's sewage treatment plant (either its operational efficiency, effluent quality or quality of the sludge produced by said facility; or

- (4) any industrial user designated as such by the Control Authority on the basis that it has a reasonable potential to adversely affect the sewerage system or to violate a pretreatment standard or requirement (in accordance with 40 CFR 403.8(f) (6)).
- (III) “Significant Noncompliance (SNC)” means for the purposes of the public participation requirements of 40 CFR Part 25 in the enforcement of national pretreatment standards, an industrial user is in significant noncompliance if its violations meet one or more of the following criteria:
- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;
  - (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils, and grease, and 1.2 for all other pollutants except pH).
  - (3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit or narrative standard) that the Control Authority determines has caused, alone or combination with other discharges, Interference or Pass Through, including endangering the health of sewerage system personnel or the general public;
  - (4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Control Authority’s exercise of its emergency authority to halt or prevent such a discharge;
  - (5) Failure to meet, within ninety (90) days of the schedule date, a compliance schedule milestone contained in an individual wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance;
  - (6) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standards deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;



- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s), which may include a violation of Best Management Practices, which the Control Authority determines will adversely affect the operation or implementation of the local pretreatment program.
- (mmm) "Slug Load or Slug Discharge" means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2 of this ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any way violate the POTW's regulations, Local Limits or Permit conditions.
- (nnn) "Standard Industrial Classification (SIC)" means a classification pursuant to the Standard Industrial Classification manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (ooo) "Storm sewer" means a sewer which carries storm, surface and ground water and/or authorized industrial waste but not sewage.
- (ppp) "Storm water" means any flow during or after any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (qqq) "Surface water" means that portion of the precipitation which runs off over the surface of the ground.
- (rrr) "Tank truck" means any tank wagon, tank truck, tank car, can or any other container used for the removal, transportation and disposal of sewage and industrial waste.
- (sss) "Total solids" means the sum of the non-filterable residue in mg/l and dissolved solids in mg/l, as determined by one of the acceptable methods described in 40 CFR Part 136.
- (ttt) "Township" means East Lampeter Township, Lancaster County, a Pennsylvania municipal corporation.
- (uuu) "Toxic pollutant" means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the administrator of the EPA under the provision of CWA § 307(a).
- (vvv) "Uncontaminated cooling water" refers to cooling water that meets all provisions of this ordinance for an authorized industrial waste.

- (www) "User" means any person who contributes, causes or permits the contribution of waste into the Township's sewerage system.
- (xxx) "Waste" refers to any sewage, industrial waste or any substance defined as waste by State or Federal regulations.
- (zzz) "Watercourse" means a channel in which a flow of water occurs, whether continuously or intermittently.

## SECTION 2 PROHIBITIVE STANDARDS AND POLLUTANT LIMITATIONS

- (a) All sewage and authorized industrial waste may be discharged to the sewerage system except those which are deemed harmful to the system by the Control Authority or are specifically prohibited by this Ordinance. Authorized industrial waste may be discharged to the storm sewer system only if approved by permits or other means of authorization by the Control Authority and by the Pennsylvania Department of Environmental Protection and/or the Environmental Protection Agency.
- (b) If any proposed or present discharge of waste to the sewerage system contains substances or possesses characteristics enumerated in this Section, which in the judgment of the Control Authority, has or may have a deleterious effect upon the sewerage system, receiving waters, or sludge management practices, or which otherwise creates a hazard to life or constitutes a public nuisance, the Control Authority may, upon giving notice to the discharger as established in Section 8:
- (1) reject the waste;
  - (2) require pretreatment to reduce characteristics to maximum limits permitted by this Ordinance;
  - (3) require control over the quantities and rates of discharge;
  - (4) require immediate discontinuance of the waste discharge until such time as it meets the requirements of this Ordinance.
- (c) No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer. Where existing surface water or roof drains are connected to the sanitary sewers they shall be removed upon receipt of notice from the Township to remove such connection. In the event such connection is not removed, the Township shall cause it to be removed at the owner's expense. Groundwater from site



contamination cleanup may be authorized by the Control Authority subject to this Ordinance as industrial waste.

- (d) Except as hereinafter provided, no person shall discharge (or cause or permit to be discharged) into the sewerage system any sewage, industrial waste or other matter or substance possessing the following characteristics and properties that:
- (1) could cause interference or passthrough, alone or in conjunction with a waste or wastes from other sources.
  - (2) has a temperature higher than 150°F or less than 32°F, or containing heat in amounts which will inhibit biological activity in the sewage treatment plant resulting in interference; but in no case heat in such quantities that the temperature of the influent to the sewage treatment plant exceeds 104°F or inhibits the biological activity of the sewage treatment plant.
  - (3) contains more than 100 mg/l of oil and grease, if the oil and grease is of unknown or petroleum origin; or more than 200 mg/l of oil and grease, if the oil and grease is determined to be of an animal or vegetable origin. The differentiation between oil and grease of animal/vegetable origin and those of petroleum origin shall be made by the Control Authority according to approved procedures outlined in 40 CFR Part 136.
  - (4) contains any gasoline, benzene, naphtha, fuel-oil, paint products, acid or other inflammable or explosive liquids, solids or gases.
  - (5) has a closed cup flashpoint of less than 140°F as determined by a method listed under 40 CFR Part 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewerage system (or at any point in the sewerage system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter.
  - (6) contains unground garbage.
  - (7) contains, but is not limited to, any ashes, cinders, sand, clay, mud, straw, shavings, metals, glass, rags, feathers, tar, plastics, wood, whole blood, entrails, manure, lye, building materials, rubber, hair, bones, leather, porcelain, china, ceramic wastes or other solid or viscous substance capable of causing obstruction or other interference with the operation of the sewerage system.
  - (8) has a pH, stabilized, lower than 5.5 or higher than 11.0 or has any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, bacterial action or personnel involved with the sewerage facility.

- (9) contains any pollutant or oxygen demand (biological or chemical) discharged at such a flowrate that could cause interference or passthrough.
- (10) contains total solids, non-filterable residue or BOD of such character or quantity that unusual attention or expense is required to handle such materials in the sewerage system except as may be authorized by the Control Authority, may require analytical characterization to define the nature of the total solids.
- (11) contains any noxious or malodorous gas or substance, which alone or by interaction with other wastes, is capable of creating a public nuisance or hazard to life or preventing entry into sewers for their maintenance and repair. The discharge of wastes that result in gases, vapors or fumes in quantities that could cause worker health or safety problems at the sewage treatment plant is specifically prohibited.
- (12) contains any dye, pigment or coloration that could cause interference or passthrough.
- (13) contains radioactive substances and/or isotopes of such half-life or concentration as may exceed limits in compliance with applicable state or federal regulations.
- (14) has a chlorine demand in excess of 12 mg/l.
- (15) is prohibited by any permit issued by the Department of Environmental Protection or the Environmental Protection Agency.
- (16) contains wastes which are not amenable to biological treatment or reduction in existing treatment facilities, specifically nonbiodegradable complex carbon compounds.
- (17) constitutes a slug discharge as defined in Section 1 or violates Section 3.
- (18) contains any substance which may cause the sewage treatment plant sludges or other residues to be unsuitable for reclamation reuse or disposal by land application for agricultural utilization in normal farming operations in accordance with sludge use or disposal criteria, guidelines or regulations as are currently in effect (or any future updates or additions thereto) and are applied to or imposed upon the City by the DEP and/or EPA and applicable to such land application of sludge or such other sludge management method being used by the City.
- (19) contains any of the following pollutants in excess of these technically based local limits, as determined by one of the accepted methods described in 40 CFR Part 136:



Parameter	Maximum Daily Limit (mg/l)
Arsenic (As)	0.3
BOD	1900
Cadmium (Cd)	0.2
Chromium – Total (Cr)	2.6
Chromium – Hexavalent (Cr+6)	2.6
Copper (Cu)	4.8
Cyanide	0.6
Lead (Pb)	1.2
Mercury (Hg)	0.005
Nickel (Ni)	3.1
Non-filterable residue	3800
PCB's	N.D.(1)
Phenols	0.7
Silver (Ag)	2.1
Zinc (Zn)	4.7
Molybdenum	0.90
Selenium	0.40

(1) N.D. = Non-detected

- (20) contains any substance that will cause the sewage treatment plant's effluent to violate the NPDES Permit under which it operates or the water quality standards established for the Conestoga River.
- (e) Industrial waste may be subject to National Pretreatment Standards specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into the sewerage system by existing or new industrial users in specific industrial subcategories. These categorical standards, established in separate regulations under 40 CFR Chapter 1, Subchapter N, Parts 405-471 are hereby incorporated into this Ordinance, and shall be in addition to any pretreatment standards and requirements stated explicitly in this Ordinance. The Control Authority may apply the following provisions where appropriate to modify the manner in which the categorical pretreatment standards are applied:
- (1) Categorical pretreatment standards expressed only in terms of either mass or concentration of a pollutant in waste may be converted to equivalent concentration or mass limits in accordance with 40 CFR Part 403.6(c).
  - (2) The combined wastestream formula may be used to impose alternative limits in accordance with 40 CFR Part 403.6(e).
  - (3) Variance from categorical pretreatment standards may be obtained in cases of fundamentally different factors regarding limits developed by EPA, if proven by the user in accordance with 40 CFR Part 403.13.
  - (4) A net gross adjustment to a categorical pretreatment standard may be obtained by the user in accordance with 40 CFR Part 403.15.
- (f) If the Control Authority determines that a waste from any Significant Industrial User poses a potential for pass-through or interference due to the quality or quantity of the discharge, the Control Authority may place special requirements or limits, in addition to or more stringent than those contained in this Ordinance, in any Industrial Waste Discharge Permit to prevent such pass-through or interference. Such Individual Control Limits may include, but are not limited to, solvent/organic management plans (STOMPs), toxic reduction evaluation plans (TRES), hazardous waste disposal plans, slug discharge control plans or more stringent specific numerical limitations on substances.
- (g) Where preliminary treatment or flow equalizing facilities are provided for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense, and shall be accessible for inspection and testing by the Control Authority.



- (h) No person 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 pretreatment to achieve compliance with the limitations contained in the National Pretreatment Standards, or in any other pollutant-specific limitation developed by the City or Township.
- (i) Except as otherwise provided, discharge of grease trap wastes in quantities that could, in the opinion of the City or Township, cause interference or passthrough at the sewage treatment plant or could otherwise cause operational problems at the sewage treatment plant or sewerage system is prohibited. In addition, petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts causing interference or passthrough at the sewage treatment plant is prohibited.
- (j) Grease, oil and sand interceptors or traps shall be provided where, in the opinion of the Control Authority, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts or any flammable wastes, sand or other harmful ingredients. All interceptors shall be of a type and capacity acceptable to the Control Authority, and shall be located as to be readily and easily accessible for cleaning and inspection.
- (k) The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted upon the condition that no such mechanical garbage grinder to serve premises used for commercial purposes shall be installed until permission for such installation shall have been obtained from the Control Authority upon written application therefore.
- (l) Holding tank waste containing more than 2000 mg/l solids may be classified as septage or industrial sludge and shall meet the current Pennsylvania guidelines for agricultural use of sewage sludge in order to be accepted. Acceptance of this material may be contingent on the status of any special equipment or operations required for treatment and the decision of acceptance shall be made by the Control Authority.
- (m) Provisions in preceding paragraphs of this Section, relating to grease traps or interceptors for oil, sand, grease, garbage, or other substances are not intended to modify, repeal, alter or amend in any way Ordinance No. 135 of East Lampeter Township, adopted February 4, 1991, and said Ordinance remains in full force and effect as hereinbefore adopted. Whenever any provision of that Ordinance appears to be in conflict with this Ordinance, the provisions which are most strict apply.

### SECTION 3 SLUG DISCHARGE CONTROL AND NOTIFICATION

- (a) All Significant Industrial Users shall provide and maintain at their own expense facilities adequate, in the judgment of the Control Authority, to prevent accidental discharge of

prohibited and/or regulated substances and/or slug discharges and to protect the sewerage system from damages caused by such substances. No industrial user which commences discharge to the sewerage system after the effective date of this Ordinance shall be permitted to introduce pollutants into the sewerage system until the Control Authority has reviewed and approved that user's accidental discharge prevention or slug prevention procedures (if those procedures are required by the Control Authority). If the Control Authority decides that a slug control plan is needed, the plan shall contain, at a minimum, the elements required in 40 CFR Part 403.8(f) (2) (vi).

- (b) In the case of an accidental discharge to the sewerage system of any prohibited or regulated substance in such a quantity or concentration that may result in a violation of this regulation, the user shall immediately telephone and notify the Control Authority of the accident. The notification shall include information regarding the location of the discharge, the type of pollutants involved, the concentration and volume of the discharge and corrective actions taken and/or contemplated.
- (c) Within five (5) working days following an accidental discharge, the user shall submit to the Control Authority a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the sewerage system of the Township or City, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.

#### SECTION 4 CLASSIFICATION OF INDUSTRIAL USERS AND PERMIT REQUIREMENTS

- (a) Prior to discharging or continuing to discharge any industrial waste to the sewerage system, the owner of the improved property from which such discharge may emanate, shall apply to the Control Authority in writing for a permit to make such discharge. Application to continue discharge of industrial waste shall be made within sixty days after the effective date of this Ordinance.
- (b) Application shall be made on discharge permit application forms and/or industrial survey questionnaires furnished by the Control Authority. Such forms shall contain all pertinent data including, but not limited to, estimated quantity of flow, character of waste, maximum rate of discharge and pretreatment facilities, together with any other information considered pertinent in the judgment of the Control Authority.
- (c) A nonrefundable discharge permit fee as established by the Control Authority shall be paid upon the filing of the permit application. Upon expiration of the permit, a new application



shall be filed and fee paid if the discharger intends to continue to discharge industrial waste.

- (d) An Industrial Waste Discharge Permit shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The discharger shall apply for permit reissuance a minimum of 180 days prior to the expiration of the discharger's existing permit. The terms and conditions of the permit shall be subject to modification by the Control Authority during the terms of the permit if discharge limitations or requirements as identified in Section 2 are modified or other just cause exists. The discharger shall be informed of any proposed changes in his permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- (e) The Industrial Waste Discharge Permit of users subject to the National Pretreatment Standards shall be revised as soon as possible to require and impose conditions to ensure compliance with such standard within the time frame prescribed by such standard. Where a discharger, subject to a National Pretreatment Standard, has not previously submitted an application for an Industrial Waste Discharge Permit as required by Section 4, the discharger shall apply for an Industrial Waste Discharge Permit within 180 days after the promulgation of the applicable Categorical Pretreatment Standard.
- (f) Industrial Waste Discharge Permits for Significant Industrial Users shall contain the following mandatory permit conditions:
  - (1) Statement of duration of the permit, which in no event shall exceed five (5) years.
  - (2) Statement of nontransferability of the permit without prior consent of the Control Authority.
  - (3) Applicable Federal, State, and local effluent limits for the average and maximum waste constituents and characteristics, including Best Management Practices.
  - (4) Specifications for monitoring programs which may include sampling locations, frequency and types of sampling; and identity of pollutants to be monitored, or for reporting on compliance with Best management Practices.
  - (5) Requirements for discharge monitoring reports and a schedule for their submission.
  - (6) Requirements for maintaining and retaining plant records relating to waste discharge as specified by the Control Authority and affording the Control Authority access thereto.

- (7) Requirements for prompt notification to the Control Authority prior to any new introduction of waste constituents or any substantial change in the volume or character of the waste constituents being introduced into the sewerage system.
  - (8) Requirements for notification of Slug Discharges. Requirements to control Slug Discharge, if determined by the Control Authority to be necessary. Industrial Users are required to notify the Control Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.
  - (9) Statement of applicable civil and criminal penalties for violations of pretreatment standards and requirements, and any applicable compliance schedule.
  - (10) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this article.
- (g) Industrial Waste Discharge Permits may, when determined by the Control Authority to be necessary for the proper and efficient operation of the sewage treatment plant, contain, in addition to any of the above conditions, any of the following as special permit conditions:
- (1) Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - (2) Specific methods and standards for testing.
  - (3) Requirements for installation and maintenance of inspection and sampling facilities.
  - (4) Compliance agreements specifying a time frame to achieve compliance.
  - (5) Other conditions as deemed appropriate by the Control Authority to ensure compliance with this Ordinance.
- (h) Upon a finding that an industrial user meeting the criteria of the definition of Significant Industrial User has no reasonable potential for adversely affecting the sewage treatment plant operation or for violating any pretreatment standard or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from an industrial user and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a Significant Industrial User.
- (i) In the case of complete separation of domestic sewage from industrial wastes within an establishment, with only the domestic sewage discharged to the sanitary sewer, no



discharge permit fee shall be imposed on that portion of the wastes going to the sanitary sewer.

- (j) When required by the Control Authority, industrial or commercial users shall obtain a Commercial/Industrial Discharge Permit. After reviewing the Industrial Waste Discharge Permit application form referenced in Section 4(b), the Control Authority may decide to issue a Commercial/Industrial Discharge Permit as an individual control mechanism to enforce Section 2. Commercial/Industrial Discharge Permits may contain any of the provisions of Section 4(f) and (g) as deemed appropriate by the Control Authority.

## SECTION 5 REPORTING REQUIREMENTS

- (a) All Significant Industrial Users and other users requested by the Control Authority shall file with the Control Authority a quarterly Self Monitoring Report on the quality and quantity of their discharge upon forms to be supplied by the Control Authority. The quarterly reports shall cover the calendar quarters of January to March, April to June, July to September, and October to December. The reports shall be filed with the Township within ten days of the end of the quarter. A laboratory report from a qualified testing laboratory acceptable to the Control Authority shall be submitted with each report to verify the values reported. All reports submitted shall be complete to include any sewage flow or test values as may be required by the Control Authority. In cases where a Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Control Authority or a Pretreatment Standard necessary to determine the compliance status of the User. 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.
- (b) All users subject to these reporting requirements that monitor any pollutant more frequently than required by the Control Authority, using procedures prescribed in 40 CFR Part 136, shall include the results of this monitoring in the immediately following quarterly Self Monitoring Report. Any user employing pretreatment may be required by the Control Authority to report operating data which demonstrates the effectiveness of the pretreatment facility.
- (c) All permitted industrial users, and commercial/industrial users issued Commercial/Industrial Discharge permits shall designate a person as the authorized representative as defined in Section 1. Any temporary or permanent replacement of this authorized representative shall be reported to the Control Authority.
- (d) All reports submitted pursuant to requirements outlined in this regulation including, but not limited to, the "Baseline Monitoring Report", the "Self Monitoring Report", and the

“Compliance with Categorical Pretreatment Standards Report” shall be signed by the user’s authorized representative.

- (e) All reports referenced in this Section, as well as Industrial Waste Discharge Permit applications, submitted pursuant to Section 4 shall include the following statement:

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

- (f) The Control Authority shall consider all information regarding an industrial user’s effluent characteristics as being nonconfidential and may make all such information available to the public without restriction, unless the user specifically request and is able to demonstrate to the satisfaction of the Control Authority that the release of such information would divulge information processes or methods of production entitled to protection as trade secrets of the user. Upon written request by the industrial user furnishing a report, permit application or answering a questionnaire, those portions of any document which might disclose trade secrets or secret processes shall not be disclosed to any person other than to duly authorized representatives of EPA or DEP. The physical/chemical characteristics of any waste will not be recognized as a user’s confidential information or trade secret.
- (g) Baseline Monitoring Report: All industrial users subject to National Pretreatment Standards shall submit to the Control Authority a report which indicates the compliance status of the user with the applicable Categorical Pretreatment Standard as defined in 40 CFR Part 403.12(b). This report shall identify the facility, indicate permits held, describe operations, contain flow and pollutant measurements, and shall be reviewed and certified by a qualified engineer representing the industrial user. Existing sources shall submit the report within 180 days after the effective date of a Categorical Pretreatment Standard. New Sources and sources that become industrial users after the effective date of an applicable Categorical Pretreatment Standard shall submit the report at least 90 days prior to commencing discharge of waste regulated by such standard. If additional pretreatment is needed to meet the pretreatment standards, a compliance schedule as described in Section 5(i) shall be required. For existing sources, the schedule shall provide a goal for compliance no later than the compliance date established in the applicable Categorical Pretreatment Standard.



- (h) Compliance with Categorical Pretreatment Standards Report. Within ninety (90) days following the date for final compliance with applicable National Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Industrial Waste into the sewerage system, any industrial user subject to Pretreatment Standards and requirements shall submit to the Control Authority a report containing the information listed in 40 CFR Part 403.12(b)(4)-(6) indicating the nature and concentration for all Pollutants in the discharge from the regulated process which are limited by the National Categorical Pretreatment Standards and the average and maximum daily flow for these process units in the user facility which are limited by such Pretreatment Standards. The report shall be based on data obtained through appropriate sampling in accordance with Section 7 performed during the period covered by the report, and the date relied upon must be representative of the conditions occurring during any specified time period. Industrial users subject to equivalent mass or concentration limits established in accordance with 40 CFR Part 403.6(c), must include in the report a reasonable measure of the user's long-term production rate. The report shall state whether the applicable Pretreatment Standards are being met on a consistent basis and, if not, what additional operation and maintenance and/or Pretreatment is necessary to bring the user into compliance with all applicable Pretreatment Standards. This statement shall be signed by the user's authorized representative. The report shall be reviewed and certified by a qualified engineer representing the industrial user.
- (i) Compliance Schedule Progress Reports: Compliance schedules shall contain progress time increments for milestone events leading to the construction and operation of a pretreatment system for the user to meet the applicable pretreatment standard. None of the aforementioned time increments shall exceed nine (9) months. Progress reports shall be submitted to the Control Authority within fourteen (14) days after each milestone event and the final date of compliance. Reports shall include the attainment status of the milestone events, explanation of any delays and, if appropriate, countermeasures to avoid future delays. The duration between progress reports shall be limited to nine (9) months.
- (j) All users shall provide notification to the Control Authority of any changes affecting the potential for a slug discharge.
- (k) All industrial users shall promptly notify the Control Authority prior to any changes in the volume or character of their waste discharge, the potential for a slug discharge or in the operation of their pretreatment processes due to the potential for interference or pass through at the sewage treatment plant.
- (l) Industrial users shall notify the Control Authority immediately of all discharges that could cause problems to the sewerage system, or the City's sewage treatment plant including, but

not limited to, discharges referenced in Section 2 and any slug discharge of a non-routine, episodic nature, including accidental spills or non-customary batch discharge.

- (m) The Control Authority may impose mass limitations on industrial users which, in the opinion of the Control Authority, are using dilution to meet applicable Pretreatment Standards or requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 5(a) shall indicate the mass of pollutants regulated by Pretreatment Standards or requirements in the effluent of the user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Control Authority, of pollutants contained herein which are limited by the applicable pretreatment Standards and requirements. The frequency of monitoring shall be prescribed in accordance with procedures established by EPA pursuant to Section 304(g) of the CWA and contained in 40 CFR, Part 136.
- (n) The industrial user shall notify the Township, City, and EPA Regional Waste Management Division Director, and State Hazardous Waste Authorities in writing of any discharge into the sewerage system 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) and quantity of waste discharged, pursuant to the requirements of 40 CFR Part 403.12(p).

## SECTION 6 RECORDS MAINTENANCE

- (a) All users shall maintain and retain records relating to waste discharged and documentation associated with Best Management Practices, where applicable for a period of not less than three (3) years, or longer in the case of unresolved litigation or when requested by EPA, and shall afford the Control Authority access thereto at all reasonable times.
- (b) All records maintained by Users relating to compliance with Pretreatment Standards shall be made available to officials of the EPA and the Control Authority for inspection and copying upon request.
- (c) Records shall be prepared and maintained by all persons who generate industrial waste that are removed from the generator's sewage flow by pretreatment and stored for later disposal. Such records shall detail the type and volume of wastes removed by pretreatment and, for each disposal of any of the stored wastes, the identity of the person(s) disposing of the waste, the date and volume of the wastes removed, and the date, manner and place of the wastes' final disposal. The records shall be subject to inspection by the Control Authority and shall be maintained for not less than three (3) years from the date prepared.



The Pennsylvania Department of Environmental Protection Hazardous Waste Manifest properly prepared and maintained shall be acceptable to meet this requirement.

## SECTION 7 SAMPLING, FLOW MEASUREMENTS, TESTING AND INSPECTION

- (a) When required by the Control Authority, the owner of any improved property serviced by a public sewer carrying industrial waste shall install at his expense a suitable control manhole together with any such necessary meters or appurtenances to facilitate observation, sampling and measurement of the waste. The control manhole shall be accessible at all times to the Control Authority. In cases where the Control Authority has made no special requirement for a control manhole, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. The control manhole shall allow the sampling of the discharge from an individual user, separate from any combined flow from any upstream users.
- (b) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Ordinance shall be determined in accordance with procedures contained in 40 CFR Part 136 and shall be determined by or under the direct supervision of a qualified analyst at the control manhole provided, or upon suitable samples taken at such control manhole. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewerage system and to determine the existence of hazards to life, limb or property. The particular analysis involved will determine whether a composite of all outfalls on a premises is appropriate or whether a grab sample or samples be taken. Sampling shall be done so as to provide data representative of conditions occurring during any particular time within the period covered by the Self Monitoring Report. All sampling performed shall be done on different days of the week than was done during the previous calendar quarter for the Self Monitoring Report.
  - (1) Except as indicated in 2 and 3 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Control Authority. Where time composite sampling or grab sampling is authorized by the control Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Control

Authority, as appropriate. In addition grab samples may be required to show compliance with Instantaneous Limits.

- (2) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.
- (3) For sampling required in support of baseline monitoring and 90-day compliance reports required in 40CFR 403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities which historical sampling data are available the Control Authority may authorize a lower minimum. For the reports required by paragraphs 40 CFR 403.12(e) and 403.12(h), the User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.
- (c) If sampling performed by an industrial user indicates a violation, the user shall notify the Control Authority 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 Control Authority within 30 days after becoming aware of the violation, except if notified by the Control Authority that an alternative resampling and analysis frequency is required.
- (d) The owner of any improved property connected to the sewerage system shall provide the Control Authority the opportunity of access at any time to any part of any improved property served by the sewerage system as shall be required for purposes of inspection, measurement, sampling and testing and for performance of other functions relating to service rendered by the Township in regard to the sewerage system.
- (e) Fees for inspection, sampling, and testing shall be as established by the Control Authority.

## SECTION 8 ENFORCEMENT

- (a) Notification of Violation: When the Control Authority finds that a person has violated or is violating this Ordinance or any permit issued hereunder, the Control Authority may serve upon said person written notice stating the nature of the violation. Service of notice of violation shall not affect the rights and powers to immediately suspend service under Section 8(d).
- (b) Compliance Agreements: The Control Authority may enter into agreements to assure voluntary compliance by a person responsible for any noncompliance. Such agreements will include specific action to be taken by the person to correct the noncompliance within a



time period specified by the agreement and may contain penalties or provisions to compel compliance.

- (c) Notice of Required Action: When the Control Authority finds that a person has violated or is violating this regulation or any permit issued hereunder, the Control Authority may issue a notice to the person directing that action to be taken within a specified time period in response to the violation. Such required action may include, without limitation, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, installation of pretreatment technology, additional self-monitoring, performance of adequate management practices, or such other action as may be necessary or appropriate in order to correct the violation or prevent further violation. Performance of the required action shall not relieve the person of liability for any violations occurring before or after receipt of the notice of required action. Service of notice of required action shall not affect the rights and powers to immediately suspend service under Section 8(d).
- (d) Emergency Suspension:
  - (1) The Control Authority may suspend the services of the sewerage system and/or the permit of a person whenever such suspension is necessary in the opinion of the Control Authority in order to stop an actual or threatened discharge which presents or causes an imminent or substantial endangerment to the health or welfare of persons, or to the environment, or which causes interference to the sewerage system of the Township or City, or which causes the City to violate any condition of its NPDES Permit.
  - (2) Any person notified of a suspension of the service of the sewerage system and/or its permit shall immediately stop or eliminate its contribution. In the event of a failure to immediately comply voluntarily with the suspension order, the Control Authority shall take such steps as it may deem necessary, which may include immediate severance of the sewer connection, to prevent or minimize damage to the sewerage system of the Township or City, the City's sewage treatment plant, the receiving stream, or endangerment to the health and welfare of persons or the environment.
  - (3) A person who is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence to the Control Authority within such time period as shall be set by the Control Authority.
- (e) Revocation of Permit: When the Control Authority finds that a person has violated or is violating any of the following provisions of this Ordinance or of any permit issued

hereunder, or of any applicable state or federal law, the Control Authority may revoke the permit or permits issued to such person or violated by such person:

- (1) Violation of conditions set forth in the person's permit.
- (2) Violation of applicable Federal, State or local laws, ordinances or regulations regarding the discharge of waste to the sewerage system.
- (3) Falsification or intentional misrepresentation of data or statements pertaining to the permit application or any other required reporting form.

The permit holder and the person in violation shall be notified of the proposed revocation of the permit and be offered an opportunity to show cause why the proposed action should not be taken. The opportunity to show cause shall be at a meeting with the Control Authority. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least five (5) days prior to the meeting. Such notice may be served on any principal executive, general partner or corporate officer of the permit holder or person. Service of notice to show cause shall not affect the rights and powers to immediately suspend service under Section 8(d).

- (f) **Judicial Remedies:** If any person discharges sewage, industrial wastes, or other wastes into the sewerage system contrary to the provisions of this Ordinance or any permit issued hereunder, the Control Authority, in the name of the Township, may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Lancaster County, Pennsylvania, or any other court of competent jurisdiction, including without limitation payment of damages for injury to the sewerage system, recovery of reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, sampling and monitoring.
- (g) **Injunctive Relief:** The Control Authority, in the name of the Township, may apply to any Court of competent jurisdiction for the issuance of preliminary or permanent injunctive relief to enforce compliance with or restrain any violations of this Ordinance or any national pretreatment standard or any pretreatment requirement. Injunctive relief shall be granted as is provided in the Publicly Owned Treatment Works Penalty Law (Act of March 26, 1992, P.L. 1992, No. 9).
- (h) **Civil Penalties:**
  - (1) Whenever, on the basis of any information available, the Control Authority finds that any person has violated this Ordinance or has violated any permit condition or limitation, the Control Authority may assess a civil penalty under this Subsection.



This Section 8(h) shall constitute the formal, written civil penalty assessment policy of the Township.

- (2) A civil penalty may be assessed whether or not the violation was willful or negligent. Each violation for each separate day may, at the discretion of the Control Authority, constitute a separate and distinct offense under this Subsection.
- (3) The amount of a civil penalty under this Subsection shall not exceed Twenty-Five Thousand (\$25,000.00) per violation. In addition to the civil penalty, the Control Authority, in the name of the Township, may recover its cost for reestablishing the operation of the sewerage system.
- (4) Before issuing an order assessing a civil penalty under this Subsection, the Control Authority shall give to the person to be assessed such penalty written notice of the Control Authority's proposal to issue such order and the opportunity to request, within thirty (30) days of the date the notice is received by such person, a hearing on the proposed order before the Hearing Board as described in Section 9.
- (5) In determining the amount of any penalty assessed under this Subsection, the Control Authority shall take into account the nature, circumstances, extent and gravity of the violation or violations, the extent of actual or potential damage to air, water, land or other natural resources and their uses; and with respect to the violator, ability to pay, any prior history of such violations, the degree of culpability, the economic benefit or savings (if any) resulting from the violation, deterrence of future violations, failure of the violator to comply with prior enforcement attempts; and such other matters as justice may require.
- (6) For purposes of this Subsection, a single operational upset as defined in 40 CFR Part 403.16, which leads to simultaneous violations of more than one (1) pollutant parameter or consecutive violations of one (1) or more pollutant parameters shall be treated as a single violation.
- (7) If the person to be assessed such penalty fails to request a hearing on the proposed order within thirty (30) days of the date the notice is received by such person, the Control Authority may issue an order assessing the civil penalty. Such order shall become final thirty (30) days after its issuance unless the Person assessed such penalty seeks judicial review in a court of competent jurisdiction.
- (8) Action taken by the Control Authority under this Subsection shall not affect or limit the Control Authority's authority to enforce any provision of this Ordinance or affect

any person's obligation to comply with any section of this Ordinance or with the terms and conditions of any permit issued to such person.

- (9) Any person against whom a civil penalty is assessed under this Subsection may obtain review of such assessment in a court of competent jurisdiction, by filing a notice of appeal in such court within the 30-day period beginning on the date the civil penalty order is issued and by simultaneously sending a copy of such notice by certified mail to the Control Authority.
- (10) If any person fails to pay an assessment of a civil penalty after the order making the assessment has become final or after a court has entered a final judgment in favor of the Control Authority, the Control Authority may bring a civil action in a court of competent jurisdiction to recover the amount assessed (plus interest at currently prevailing rates from the date of the final order or the date of the final judgment, as the case may be). In such an action, the validity, amount and appropriateness of such penalty shall not be subject to review. Any person who fails to pay on a timely basis the amount of an assessment of a civil penalty shall be required to pay, in addition to such amount and interest, attorneys' fees and costs for collection proceedings.

(i) Criminal Penalty:

- (1) Violations – Generally: Any person who shall violate any provision of this Ordinance, or any permit issued hereunder shall upon conviction in a summary proceeding, be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) per violation per day and costs of prosecution, to be collected as other fines and costs are by law collectible or be imprisoned for not more than ninety (90) days or both. Each day during which a violation exists shall constitute a separate offense.
- (2) Falsifying Information: Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or a permit issued hereunder, or who falsifies, tampers with, knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction in a summary proceeding, be sentenced to pay a fine of not more than One Thousand (\$1,000.00) Dollars per violation per day and costs of prosecution to be collected as other fines and costs are by law collectible or be imprisoned for not more than ninety (90) days or both.
- (3) As used in this Section, the term person includes, as applied to partnerships and associations, the partners, members, officers and managers thereof, and, as applied to corporations, the officers and managers thereof.



- (j) **Publication of Significant Violations:** The Control Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the sewerage system, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with an applicable Pretreatment Standards and Requirements. Significant Noncompliance shall be determined according to guidelines set forth in 40 CFR Part 403.8(f) (2) (viii) and as defined in Section 1.
- (k) **Public Nuisances:** Any violation of the prohibitions or effluent limitations of this Ordinance or any permit issued hereunder, is hereby declared a public nuisance and may be corrected or abated as directed by the Control Authority. Any person creating a public nuisance shall be subject to the provisions of the Township Ordinances governing such nuisances, including reimbursing the Township for any costs incurred in removing, abating, or remedying said nuisance.
- (l) **Report of Violation:** The Control Authority may report violations of any federal or state standards or requirements which constitute violations of this Ordinance or any permit issued hereunder to the EPA or the DEP or to both and may forego enforcement actions against the person responsible for such violation in order to allow enforcement action to be undertaken by the EPA or the DEP or both.
- (m) **Enforcement Response Plan:** The Control Authority may adopt an enforcement response plan (ERP) containing detailed procedures on investigation and response to instances of industrial user noncompliance.
- (n) **Application of Enforcement Actions:** The foregoing enforcement actions may be exercised alternatively, concurrently or successively and the enforcement of this Ordinance under any of the above enforcement actions shall not preclude enforcement action. Selection of the enforcement action shall be in the discretion of the Township based upon the circumstances and the nature of the violation.

## SECTION 9 HEARING BOARD

- (a) A Hearing Board shall be appointed by the Township for resolution of differences between the Control Authority and owners of any improved property on matters concerning interpretation and execution of the provisions of this Ordinance by the Control Authority.
- (b) One member of the Board shall be a member of the Township Public Works Department; one member shall be a professional engineer skilled in practice of sanitary engineering; one member shall be a representative of the industrial community; one member shall be an

attorney; one member shall be a City representative; and one member shall be selected at large for his/her interest in accomplishing the objectives of this Ordinance.

- (c) The initial appointments to the Board shall be for the following terms:

Public Works Department representative – 5 years

City representative – 5 years

Professional engineer (sanitary engineer) – 4 years

Industrial representative – 3 years

Attorney – 2 years

Representative at large – 1 year

All succeeding terms shall be for a period of five years.

The Township shall appoint representatives to fill vacancies on the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board.

- (d) The Hearing Board shall have the following powers:

- (1) To hear from any person aggrieved by the application of this Ordinance.
- (2) To make rules with regard to conducting its hearings, such rules to be submitted to the Township for its advice and consent.
- (3) To make such findings of fact as may be required by the application of this Ordinance.
- (4) To decide questions presented.

## SECTION 10 APPEALS

- (a) Whenever the Control Authority denies, revokes, amends or suspends a permit required by this Ordinance, or whenever the Control Authority makes an order, decision, determination or ruling affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of any person, then the person aggrieved by the action of the Control Authority shall have the right to appeal such action to the Hearing Board established by Section 9.
- (b) All appeals to the Hearing Board shall be in writing and shall be filed with the Township within twenty days from the date that the Control Authority took the action which is the subject matter of the appeal.



- (c) All appeals shall contain the following information:
- (1) The name, address and telephone number of the appellant.
  - (2) The date on which the Control Authority took the action which is the subject matter of the appeal.
  - (3) The reason(s) for such appeal, and a specification of objections setting forth the manner in which the appellant is aggrieved and the relevant issues to be resolved by the Board.
  - (4) A statement detailing the relief demanded by the appellant.
- (d) A true and correct copy of the written appeal shall be served on a Township Solicitor personally or by registered or certified mail within forty-eight hours after the appeal is filed.
- (e) Upon receipt of the appeal the Hearing Board shall schedule a hearing for the appellant and give the latter written notice on the time, date and place of such hearing. A hearing will not be held if waived by the appellant or if the parties stipulate all of the essential facts or agree to submit direct or rebuttal testimony or documentary evidence in affidavit form, sworn or affirmed on personal knowledge, or by deposition.
- (f) Written briefs of the parties or their counsel shall be filed with the Hearing Board and served on the opposing party, within five (5) days after the hearing and prior to any adjudication.
- (g) At any hearing, parties shall have the right of presentation of evidence, cross-examination, objection, motion and argument. The Hearing Board shall not be bound by technical rules of evidence but all relevant and material evidence of reasonable probative value shall be admissible. All witnesses shall be sworn or shall affirm.
- (h) The Hearing Board shall not be required to maintain a verbatim transcript of the hearings.
- (i) At the conclusion of the proceedings, and after consideration of the evidence and briefs of the parties, if any, the Hearing Board shall issue an adjudication which shall contain findings of facts and conclusions of law, and, if appropriate, an order. A written copy of such adjudication shall be mailed to each party.
- (j) The decision and adjudication of the Hearing Board shall be final and binding upon the parties subject to any further right of appeal which may be provided by law.

- (k) Failure to perfect an appeal in the manner and form required by this Section shall be sufficient for dismissing the appeal.
- (l) The action of the Control Authority shall be final as to any person who fails to file an appeal or to perfect an appeal pursuant to this Section.

#### SECTION 11 ENACTMENT

All other parts, sections, subsections and provisions of the East Lampeter Township Sewer Ordinance No. 171 of 1995, as well as the Ordinances of May 16, 1969, June 28, 1971, and May 1, 1978, to the extent that they are not inconsistent herewith, shall remain in full force and effect.

This Ordinance will become effective five (5) dates after its adoption by the Board of Supervisors of East Lampeter Township.

ORDAINED AND ENACTED this 6<sup>th</sup> day of December 2010.

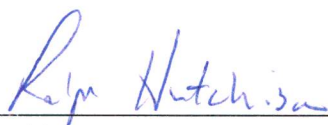
SUPERVISORS OF EAST LAMPETER TOWNSHIP

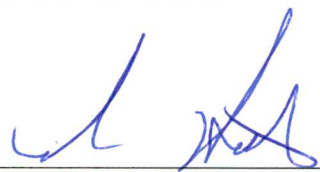
By:   
Chairman

ATTEST:

  
Secretary

(Seal)

I, , Secretary of the Board of Supervisors of East Lampeter Township, Lancaster County, Pennsylvania, hereby certify that the foregoing is a true and correct copy of an Ordinance duly adopted at a meeting of said Supervisors held on Monday, December 6, 2010, at which meeting a quorum was present and voted in favor thereof.

  
Secretary