

HILLTOWN TOWNSHIP
BOARD OF SUPERVISORS

BUCKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012 - 3

"Wastewater Collection and Treatment Ordinance"

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF HILLTOWN TOWNSHIP, CHAPTER 124 (SEWERS), ARTICLE II (WASTEWATER TREATMENT) TO REVISE THE DEFINITIONS OF "SLUG DISCHARGE/SLUG LOAD", "SIGNIFICANT NONCOMPLIANCE", "AUTHORIZED REPRESENTATIVE OF A SIGNIFICANT INDUSTRIAL USER", "EXISTING SOURCE" AND "NEW SOURCE"; ADD A DEFINITION FOR THE TERM "BEST MANAGEMENT PRACTICES (BMPS)"; REQUIRE IMMEDIATE NOTIFICATION OF THE POTENTIAL FOR ACCIDENTAL DISCHARGE AND/OR SLUG DISCHARGE; REVISE PUBLICATION REQUIREMENTS FOR USERS IN SIGNIFICANT NONCOMPLIANCE; PROVIDE PROVISIONS FOR THE IMPLEMENTATION OF BEST MANAGEMENT PRACTICES; ESTABLISH REPEAT MONITORING REQUIREMENTS; REVISE THE SPECIFIC POLLUTANT LIMITATIONS; ADD NEW SECTIONS ENTITLED "SAMPLING REQUIREMENTS" AND "ANALYTICAL REQUIREMENTS"; AND REVISE THE PROVISIONS RELATED TO INJUNCTIVE RELIEF.

The Board of Supervisors of Hilltown Township does hereby **ENACT** and **ORDAIN**:

SECTION I. - Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-6 (Definitions) is hereby amended to delete the existing definition for "Slug Discharge or Slug Load" and replace it with the following new definition:

SLUG DISCHARGE/SLUG LOAD – Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) or Section 124-8 of this Chapter and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has

a reasonable potential to cause interference or pass through, or in any other way violate the POTW's prohibited discharge standards, local limits, NPDES permit conditions or any other condition of its Rules and Regulations.

SECTION II. - Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-6 (Definitions) is hereby amended to delete the existing definition for "Significant Noncompliance" and replace it with the following new definition:

SIGNIFICANT NONCOMPLIANCE – An Industrial User or User is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8 (f) (2) (viii). For purposes of this definition, a User is in significant noncompliance if its violations meets 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 Wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantancous limits, as defined by 40 CFR 403.3 (1).
- (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 equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (1) multiplied by the applicable criterion (1.4 for BOD, CBOD, 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 40 CFR 403.3 (1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of municipal personnel or the general public);
- (4) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;

- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Contribution 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 standard 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 violation of Best Management Practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

SECTION III. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-6 (Definitions) is hereby amended to add the following new definition:

BEST MANAGEMENT PRACTICES (BMPS). The term Best Management Practices (or BMPs) means schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a) (1) and (b) and Section 124-8 of this Chapter. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

SECTION IV. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewer), Article II (Wastewater Treatment), Section 124-6 (Definitions) is hereby amended to delete the existing definition for “Authorized Representative of a Significant User” and replace it with the following new definition:

AUTHORIZED REPRESENTATIVE OF A SIGNIFICANT USER –

- (1) A principal executive officer of at least the level of vice president, if the User is a corporation;
- (2) A general partner or proprietor, if the User is a partnership or proprietorship, respectively;
- (3) A director or highest official appointed or designated to oversee operations and performance, if the User is a Federal, State or Local Governmental facility.
- (4) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which 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 control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (5) A duly authorized representative of the individual identified in (a) through (d) above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates and a written request for designation of an alternate representative is approved by the POTW.

SECTION V. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewer), Article II (Wastewater Treatment), Section 124-6 (Definitions) is hereby amended to delete the existing definition for “Existing Source” and replace it with the following new definition:

EXISTING SOURCE – Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

SECTION VI. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewer), Article II (Wastewater Treatment), Section 124-6 (Definitions) is hereby amended to delete the existing definition for “New Source” and replace it with the following new definition:

NEW SOURCE – Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act 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; or
- (2) The building, structure, facility or installation totally replaced the process or production equipment that causes the discharge of pollutants at an existing source; or
- (3) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. 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.

SECTION VII. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-8 (Pretreatment Regulations) Slug Discharge is hereby amended to add the following new paragraph:

All Users are required to notify the POTW immediately of any changes at their facilities affecting the potential for an accidental discharge and/or slug discharge to the POTW.

SECTION VIII. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-10 (Administration: discharge restrictions, permits and

reporting requirements) Permit Conditions is hereby amended to delete the existing paragraph regarding notification of slug discharges and replace it with the following:

Requirements for (1) immediate notification of slug discharges to the POTW in accordance with Section 124-8 of this Chapter, (2) immediate notification of any changes by the User at their facility affecting the potential for an accidental discharge and/or slug discharge to the POTW and/or (3) development and implementation of slug control measures.

SECTION IX. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-11 (Enforcement: notice, hearing and appeal) Public Notification of Noncompliance is hereby deleted and replaced with the following:

Public notification of noncompliance. Each POTW shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance (as defined in Section 124-6 of this Chapter) with applicable Pretreatment Standards and Requirements.

SECTION X. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-8 (Pretreatment Regulations) Specific Pollutant Limitations is hereby amended to add the following new paragraph:

The POTW, at its sole discretion, may develop Best Management Practices (BMPs) to comply 40 CFR 403.5 (c) (1). Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of 40 CFR 403 and Section 307 (d) of the Clean Water Act. The POTW, also at its sole discretion, may allow a User to implement BMPs to meet the prohibitions listed in 40 CFR 403.5 (a) (1) and (b) and Section 147-43 of this article. BMPs may also be implemented in addition to an approved limit or prohibition. If BMPs are allowed, they will be implemented through User Permits. Authorization of BMPs, in place of or in addition to approved limits or prohibitions, does not relieve the User of responsibility to comply with approved limits or prohibitions.

SECTION XI. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-10 (Administration: discharge restrictions, permits and reporting requirements) Permit Conditions is hereby amended to add the following new requirement:

Requirements for development and implementation of Best Management Practices (BMPs) and recordkeeping and reporting for BMPs.

SECTION XII. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewer), Article II (Wastewater Treatment), Section 124-10 (Administration: discharge restrictions, permits and reporting requirements) Reporting Requirements in Permits is hereby amended to add the following paragraph entitled “BMP Compliance Information”:

BMP Compliance Information. If a User must implement a BMP to comply with Federal Pretreatment Standards or Requirements, the POTW’s prohibited discharge standards, local limits, or any other condition of this article, the User shall submit any and all documentation required by the POTW or the Pretreatment Standard at the frequency specified by the POTW or Pretreatment Standard to evaluate compliance. The User must include information on compliance with any applicable BMPs in Baseline Monitoring Reports, 90-Day Compliance Reports and Periodic Compliance Reports. The POTW may also require any User to submit additional BMP related information or data at any frequency it deems necessary to determine compliance with Federal Pretreatment Standards or Requirements or the Authority’s Rules and Regulations.

SECTION XIII.

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewer), Article II (Wastewater Treatment), Section 124-10 (Administration: discharge restrictions, permits and reporting requirements) Periodic Compliance Reports is hereby amended to add the following sentence at the end of the final paragraph:

If the POTW performs the required monitoring of the User's wastewater discharge, the POTW will either perform any required repeat sampling and analysis within 30 days of becoming aware of a violation or direct the User to perform any required repeat sampling and analysis within 30 days of becoming aware of a violation.

SECTION XIV. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-10 (Administration: discharge restrictions, permits and reporting requirements) Record Keeping Requirements is hereby deleted and replaced with the following:

Record Keeping Requirements.

Users subject to the reporting requirements of this article shall maintain, and make available for inspection and copying by the POTW, all records of information obtained pursuant to any monitoring activities required by this article, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and records associated with implementation of BMPs. 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 and any other information or data deemed necessary by the POTW. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the POTW, or where the User has been specifically notified of a longer retention period by the POTW.

All records relating to compliance with pretreatment standards shall be made available to the Township, the POTW, the DEP or EPA upon request.

SECTION XV. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-8 (Pretreatment Regulations) is hereby amended to delete “Ammonia Nitrogen (NH₃-N)” and its maximum concentration limit of “25 as N¹” as well as “Oil and Grease” and its maximum concentration limit of “100” from the list of typical domestic

levels for compatible pollutant and further amended to add the following substance to the list of prohibited contributions:

Wastewater having an Oil and Grease concentration greater than 100 mg/l.

SECTION XVI. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-10 (Administration: discharge restrictions, permits and reporting requirements) Monitoring Facilities is hereby amended to delete the phrase “where wastewater is created or discharged” from the second sentence of the Section and replace it with the phrase “connected to the POTW’s wastewater collection and treatment system”.

SECTION XVII. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), Section 124-12 (Violations and Penalties; Injunctive Relief) Injunctive Relief is hereby amended as follows:

The Township or the POTW shall be able to seek injunctive relief for non-compliance by Users with Pretreatment Standards or Requirements or related provisions. Injunctive relief is available for violations of Pretreatment Standards or Requirements, any requirement stated in this Part or User Permits, including, but not limited to:

- a. A discharge from a user presents an imminent or substantial danger to the environment.
- b. A discharge from a user causes the POTW to violate any condition of its NPDES permit, biosolids application standards, or other State or Federal requirement.
- c. A discharge from a user presents an imminent or substantial danger to the POTW treatment plant, the collection system or the general public.
- d. The user has shown a lack of ability or intention to comply with a pretreatment standard.

SECTION XVIII. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), is hereby amended to add the following new Section 124-12.1 entitled “Sampling Requirements”:

§124-12.1 Sampling Requirements

Wastewater samples collected to comply with any provision of this Article shall meet the following requirements:

- (1) Samples shall be collected using 24-hour flow proportional composite collection techniques. In the event that flow proportional composite sampling is not warranted in the opinion of the POTW, the POTW may authorize the use of time proportional composite sampling or grab sampling. Where time proportional composite sampling or grab sampling are authorized by the POTW, the samples must be representative of the discharge and the POTW will solely determine the number of grab samples required.
- (2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using standard grab collection techniques.
- (3) The POTW may allow multiple grab samples collected during a 24-hour time period for certain parameters to be composited in the field or in the laboratory prior to analysis if proper protocols specified in 40 CFR Part 136 and appropriate EPA guidance documents are followed. For cyanide, total phenols and sulfides, the samples may be composited in the laboratory or in the field. For volatile organics and oil and grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the POTW, as appropriate.
- (4) Sampling techniques prescribed in 40 CFR Part 136, as amended, shall be followed.
- (5) The POTW shall be notified a minimum of 48 hours prior to the collection of a sample(s) by a User and may observe the collection of any sample.

- (6) If a User does not follow proper sample collection protocols and/or techniques, all samples collected inappropriately shall be discarded and re-collected at the sole expense of the User.
- (7) Sampling facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its sampling location or facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (8) All sampling locations utilized to meet the discharge monitoring provisions of this Chapter shall be approved by the POTW.
- (9) All samples collected to meet the provisions of the Federal Pretreatment Regulations or this Chapter shall be representative of the User's wastewater discharge.

SECTION XIX. – Amendment to Code

The Code of Ordinances of Hilltown Township, Chapter 124 (Sewers), Article II (Wastewater Treatment), is hereby amended to add the following new Section 124-12.2 entitled “Analytical Requirements”:

§147-12.2. Analytical Requirements.

Wastewater pollutant analyses completed to comply with any provision of this Article shall meet the following requirements:

- (1) All pollutant analyses shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable Categorical Standard. If 40 CFR Part 136 does not contain analytical techniques for the pollutant in question, analyses must be performed in accordance with procedures approved by the Administrator.
- (2) The User shall provide the POTW with the name, address and telephone number of any contract laboratory intended to be utilized for pollutant analyses at least 48 hours prior to the collection of any samples. The POTW may recommend the use of an alternate contract laboratory.
- (3) Copies of laboratory analysis results shall be forwarded to the User and the POTW simultaneously.
- (4) Laboratory analysis results obtained by a User following improper protocols or deemed technically deficient by the POTW shall be

discarded and samples shall be re-analyzed at the sole expense of the User.

SECTION XX. - Severability

The provisions of this Ordinance are severable, and if any section, sentence, clause, part or provision hereof shall be held illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION XXI. - Failure to Enforce not a Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

SECTION XXII. - Effective Date

This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION XXIII. - Repealer

All other ordinances and resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

(Signature page follows)

ORDAINED AND ENACTED by the Board of Supervisors of Hilltown Township,
Bucks County, Pennsylvania, this 26th day of November, 2012.

HILLTOWN TOWNSHIP

By: Barbara A. Salvadore
Barbara A. Salvadore, Chair,
Board of Supervisors

By: John B. McIlhinney
John B. McIlhinney, Vice-Chairman

By: James C. Groff
James C. Groff, Supervisor