

ORDINANCE NO. 10 -91

TOWNSHIP OF MIDDLESEX
Cumberland County, Pennsylvania

AN ORDINANCE OF THE BOARD OF TOWNSHIP SUPERVISORS IN AND FOR MIDDLESEX TOWNSHIP AMENDING ORDINANCE NO. 1-89 ENACTED MARCH 1, 1989, AND THE "MIDDLESEX TOWNSHIP PRETREATMENT PROGRAM, MARCH 1989", IN THE FOLLOWING RESPECTS: (1) REDEFINING THE TERM "SIGNIFICANT INDUSTRIAL USER: (SIU), (2) ADDING THE ABBREVIATION OF "TW" FOR TREATMENT WORKS", (3) ADDING NEW DEFINITIONS FOR "NEW SOURCE" AND "SLUG DISCHARGE", (4) PROVIDING NEW REQUIREMENTS FOR INDUSTRIAL USER REPORTS AND HAZARDOUS WASTE NOTIFICATION, (5) MODIFYING VARIOUS ADMINISTRATIVE PROVISIONS, (6) ADDING SURCHARGE COMPUTATION FORMULA, (7) SUBSTITUTING A NEW AND REVISED ENFORCEMENT GUIDE, (8) MODIFYING VARIOUS TECHNICAL REQUIREMENTS, INCLUDING NEW WASTEWATER DISCHARGE LIMITATIONS AND PROHIBITED DISCHARGES, AND AMENDING THE PENALTY PROVISIONS THEREOF.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Township Supervisors in and for the Township of Middlesex, as follows:

SECTION 1: PREAMBLE AND BACKGROUND. On March 1, 1989, this Board of Township Supervisors enacted Ordinance No. 1-89 which established a wastewater pretreatment program known as "Middlesex Township Pretreatment Program, March 1989". Because of various changes in the requirements of superior authorities, it is necessary to modify and amend said Pretreatment Program. This Ordinance is intended to effect such changes and modifications.

SECTION 2: DEFINITIONS. For the purpose of this Ordinance,

the term "Pretreatment Program" shall mean the "Middlesex Township Pretreatment Program, March 1989", as enacted by Ordinance No. 1-89, and any reference to "page" or "pages" shall refer to numbered pages from said Pretreatment Program and as substituted by this Ordinance as new or revised pages attached hereto.

SECTION 3: AMENDMENT TO PRETREATMENT PROGRAM. The Pretreatment Program is hereby amended, modified and changed in the following respects:

A. The definition of "Significant Industrial User (SIU)" on page 6 of said Pretreatment Program is hereby repealed, and the following definition is substituted therefor:

Significant Industrial User (SIU) shall mean any Industrial User (IU) proposing to contribute or contributing Wastewater to any Treatment Works (TW) who is (1) an IU subject to categorical standards; or (2) a non-categorical IU that discharges 25,000 gallons or more per day of process wastewater to any TW or an IU that contributes a process wastestream which constitutes five per centum (5%) or more of the average dry weather hydraulic or organic capacity of any TW; or (3) an IU designated as significant by the Control Authority on the basis that the IU has a reasonable potential for adversely affecting a TW's operation for violating any pretreatment standard or requirement.

B. The definition of Treatment Works on page 7 of the Pretreatment Program is amended to add the abbreviation of "TW" in parentheses after the words "Treatment Works". Said abbreviation may be used for the term "Treatment Works" and shall have the defined

meaning of "Treatment Works".

C. The following new definitions are added to Section 2 of said Pretreatment Program in proper alphabetical order:

New Source shall mean 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, if such standards are applicable upon promulgation.

Slug Discharge shall mean any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge.

D. A new paragraph I is added to Section 4, Charges and Fees, at page 10 of the Pretreatment Program to provide a surcharge formula as more fully set forth in revised page 10 and new page 10a attached hereto and incorporated herein by reference thereto.

E. A new paragraph (3) is added to subsection 5.1 of Section 5 on page 11 of the Pretreatment Program as follows:

(3) Slug Discharge Control. The Director shall evaluate, at least once every two (2) years whether each SIU needs a plan to control slug discharges.

F. New paragraphs (5), (6) and (7) are added to subsection 5.2 of Section 5 on page 11 of the Pretreatment Program as follows:

(5) A User shall immediately notify the

Director and the director of the Treatment Works of all discharges, including discharges taking on the proportions of a Slug, that could cause problems to the Treatment Works. The notification and written report shall be in accordance with the procedures contained in subsection 3.7 (Accidental Discharges) of this Program.

(6) **Signatory Requirements for Industrial User Reports.** Submissions of Compliance reports shall be signed by one of the following:

(a) By a responsible corporate officer which includes a president, secretary, treasurer, or vice president of the corporation in charge of a principal business function.

(b) By a general partner or proprietor if a partnership or sole proprietorship exists.

(c) By a duly authorized representative if the authorization is made in writing by an individual described in (a) or (b). The Authorization shall specify either an individual or a position having overall responsibility for environmental matters for the facility.

(7) **Hazardous Waste Notification**

(a) The Industrial User shall notify the Treatment Works, the Director, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the Treatment Works 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 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month to the Treatment Works, the notification shall also contain the following information to the extent such information is known and

readily available to the Industrial User:
An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve months. Industrial Users who commence discharging a hazardous waste shall provide notification no later than 180 days after the discharge of the listed or characteristic hazardous waste. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed discharges must be submitted under 40 CFR 403.12. The notification requirement in this section does not apply to pollutants already reported under self-monitoring requirements.

(b) Discharges are exempt from the requirements of this section during a calendar month in which they discharge no more than fifteen kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification.

Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste do not require additional notification.

(c) In the case of any new regulations under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the Director, the Treatment Works, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such

substance within 90 days of the effective date of such regulations.

(d) In the case of any notification made under paragraph (a) of this section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

G. The introductory paragraph to paragraph (2) of subsection 5.3 of Section 5 of said Program is hereby deleted and repealed, and the following new introductory paragraph is substituted therefor:

(2) Permit Application. Not less than 90 days prior to connecting or contributing to the Treatment Works, except as otherwise provided in subsection 5.3(1), all SIUs shall complete and submit to the Director an application for a permit, accompanied by the applicable fee(s), the form for which application shall be prescribed by the Director and shall contain or include not less than the following information:

H. The concluding paragraph to paragraph (2) of subsection 5.3 of Section 5 of said Program is hereby deleted and repealed, and the following new introductory paragraph is substituted therefor:

When submitted as herein provided, the application for a Permit, as well as all compliance schedules and reports required by this Program shall be dated and shall comply with all signatory requirements, including the certification statement, as provided by 40 CFR 403.12(1). The signing of the application shall constitute a representation that the individual signing the same is duly authorized to submit the application on behalf of such Industrial User to the Director.

I. The word "Township" appearing in paragraph (3) of subsection 5.3 of Section 5 on page 15 of said Pretreatment Program and in paragraph (6)(i) of the same subsection on page 16 of said Program are hereby deleted and repealed, and the word "Director" is inserted in substitution therefor.

J. The following new subparagraph (j) is added to paragraph (6) of subsection 5.3 of Section 5 on page 16 of said Pretreatment Program, and the existing subparagraphs (j) and (k) are relabeled (k) and (l) respectively:

(j) Requirements for notification to the Director of all discharges which are in violation of this Program;

K. The last sentence of subparagraph (a) of paragraph (9) of subsection 5.3 of Section 5 on page 17 of said Pretreatment Program is hereby deleted and repealed.

L. The following new subparagraph (c) is added to paragraph (9) of subsection 5.3 of Section 5 of said Pretreatment Program:

(c) Noncompliance Reports: If sampling performed by any Industrial User indicates a violation of this Program, such Industrial User shall notify the Director within 24 hours of becoming aware of such violation and shall comply with all additional requirements as provided by 40 CFR 403.12(g).

M. The heading or title line to paragraph (11)

of subsection 5.3 of Section 5 of said Pretreatment Program is hereby deleted and repealed, and the following new heading or title line is substituted therefor:

(11) Reissuance or Modification of Permit,
or Reinstatement of Revoked Permit.

N. Section 7, Enforcement Guidelines, on pages 23 through 30 of said Pretreatment Program is hereby repealed, and the new Section 7, Enforcement Guide, as contained in new pages 23 through 30a attached hereto and incorporated herein by reference thereto is substituted therefor.

O. The Wastewater Discharge Limitations in subsection 8.2 of Section 8 on page 31 of the Pretreatment Program are hereby repealed, and the new Limitations as set forth in subsection 8.2 in revised page 31 attached hereto and incorporated herein by reference thereto is substituted therefor.

P. The limits and quantities of Prohibited Discharges in subsection 8.4(8) of Section 8 on page 32 of the Pretreatment Program are hereby repealed, and the new limits and quantities as set forth in subsection 8.4(8) in revised page 32 are incorporated herein by reference thereto.

Q. Additional Prohibited Discharges are added to subsection 8.4 of Section 8 on page 33 of the

Pretreatment Program as more fully set forth as paragraphs (13), (14) and (15) as contained in revised page 33 attached hereto and incorporated herein by reference thereto.

SECTION 4: PENALTIES. Section 2 of Ordinance 1-89 is hereby repealed, and the following new provisions are enacted in substitution thereof.

PENALTIES: In addition to all civil penalties, damages, liabilities and other enforcement remedies as set forth in said Pretreatment Program, the following criminal penalties shall apply:

A. Any Person as defined in the Pretreatment Program who shall violate the periodic testing requirements of the Pretreatment Program, shall, for each and every such violation, be guilty of a summary offense and be sentenced to pay a fine of not more than three hundred dollars (\$300.00), restitution and costs of prosecution, and in default thereof to undergo imprisonment in the Cumberland County Prison for not more than thirty (30) days. Each month's continuance of such violation shall constitute a separate violation and offense.

B. Any Person as defined in the Pretreatment Program who shall violate any other provision of the Pretreatment Program, and not excluding requirements and conditions of permits issued thereunder, shall, for each and every such violation, be guilty of a summary offense and be sentenced to pay a fine of not more than one thousand dollars (\$1,000.00), restitution and costs of prosecution, and in default thereof to undergo imprisonment in the Cumberland County Prison for not more than thirty (30) days. Each day's continuance of a violation of any such provision shall constitute a separate offense.

SECTION 5: SEVERABILITY. If any provision, section, sentence, clause or portion of this ordinance shall be held

invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions, section, sentence, clause or portion of this ordinance which shall continue and remain in full force and effect.

SECTION 6: All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 7: This ordinance shall become effective as provided by law.

DULY ENACTED AND ORDAINED this 20th day of December, 1991, by the said Board of Township Supervisors in lawful session duly assembled.

TOWNSHIP OF MIDDLESEX

BY Robert M. Espley
Chairman, Board of Township
Supervisors

ATTEST:

John S. Blain
Township Secretary

(Township Seal)

4. CHARGES AND FEES

It is the goal of the Pretreatment Program that the cost of implementing this Program shall be recovered from Users of the Sewer System regulated by the Program. The subjects of permissible charges and fees shall be those listed below and such subjects of charges and fees may be amended from time to time as deemed necessary to meet the cost recovery goal.

- A. Fees for reimbursement of costs of setting up the Pretreatment Program.
- B. Charges and fees for operating the Pretreatment Program.
- C. Application fees for Permits.
- D. Fees for monitoring, inspections and surveillance procedures.
- E. Fees for reviewing accidental discharges and corrective actions.
- F. Fees for filing appeals.
- G. Charges and fees for consistent removal by the Township of Pollutants otherwise subject to Federal Pretreatment Standards.
- H. Other charges and fees as may be deemed necessary to carry out the requirements contained in this Program.
- I. The surcharge to users found discharging ammonia-nitrogen, biochemical oxygen demand 5, phosphorus as PO_4 suspended solids, or oil and grease in excess of prescribed levels shall be determined as follows:

(a) Formula

$$\begin{aligned} \text{Surcharge Formula} = & B(.00100)[VBOD - 300) (.667) + \\ & (VSS - 300) (.667) + (VNH_3 - 25) (8) \\ & + (VP - 16.3) (12.27) + (2) \\ & (VFOG - 100)] \end{aligned}$$

Where:

B = Normally calculated monthly sewer bill

VBOD = Actual BOD value of industrial discharge

VSS	= Actual suspended solids value of industrial discharge
VNH3	= Actual ammonia-nitrogen value of industrial discharge
VP	= Actual phosphorus value of industrial discharge
VFOG	= Actual fat, oil and grease value of industrial discharge

7. ENFORCEMENT GUIDE

7.1 Overview

This Enforcement Guide has been prepared to assist Pretreatment Program administrative personnel in identifying noncompliance with this Program and in responding with the appropriate enforcement measures. While this Enforcement Guide is directed towards the objective of assuring industrial user compliance with applicable pretreatment requirements, the process of meeting these objectives are to be flexible and dynamic. This Guide establishes a system for identifying priorities and directing the flow of enforcement actions based on these priorities and available resources. In Section 7.2 and 7.3, procedures for compliance screening are reviewed, and the various categories of noncompliance are defined. Enforcement options available to Township are described in Section 7.4, and guidelines for applying appropriate enforcement action to the various categories of noncompliance are provided in Section 7.5.

This Guide has been developed for the internal use of Township and is not intended to create legal rights or obligations, or to limit the enforcement discretion of Township.

7.2 Compliance Screening

Information received will be reviewed to identify noncompliance with the requirements of the Pretreatment Program. The compliance status of an industrial user will generally be assessed semi-annually. Compliance may, at Township's discretion, be assessed more frequently at the time that periodic reports on compliance are required or at such other time as deemed appropriate by Township.

For compliance schedule progress and self-monitoring reports, the initial review may determine that the reports have been submitted on schedule, cover the appropriate time period, contain the required information, and are properly signed. The review may entail comparison of the parameters reported, the number of measurements recorded for each parameter, the method of analysis employed, the sampling procedures used, the discharge concentrations and mass loadings reported, and any other information supplied by any User, with the monitoring and reporting requirements contained in the User's Permit. Any discrepancy is a violation that may be identified for enforcement action.

Similarly, information obtained as a result of scheduled or unscheduled monitoring activities will be reviewed for User

noncompliances. User facility inspections may, depending upon the situation, confirm that no unreported or unapproved changes in process or character of waste discharged have occurred, that sampling monitoring facilities are operating and in good condition, that Pretreatment facilities are being properly operated and maintained, that discharge monitoring records for at least the past three years are on file, and that the User is aware of the applicable regulations and requirements for handling and storing hazardous materials. Analytical results obtained from the compliance monitoring activities will be reviewed for violations in discharge limits.

7.3 Categories of Noncompliance

The nature and frequency of noncompliance often determines the appropriate enforcement response to be taken. Therefore, to enable Program administrative personnel to respond in a consistent manner, the following categories of noncompliance are defined:

- (1) **Noncompliance.** Any noncompliance with a User's permit requirements or Pretreatment Program criteria which occur as an infrequent or isolated event, and does not meet any of the criteria for significant noncompliance.
- (2) **Significant Noncompliance (SNC).** A user is in significant noncompliance if one or more of the following criteria are satisfied:
 - a. Chronic violations of wastewater discharge limits, defined as those in which sixty-six percent or more of the measurements taken during a six-month period* exceeds (by any magnitude) the daily maximum limit, or the average limit for the same pollutant parameter.
 - b. Technical Review Criteria (TRC) Violations, defined as those in which thirty-three percent or more of the measurements for each pollutant parameter taken during a six-month period* equals or exceeds the product of the daily average maximum limit or the average limit times the applicable TRC (TRC = 1.4 for BOD, TSS, Fats, Oil and Grease, and 1.2 for all other pollutants except pH);
 - c. Any other violation of a Pretreatment effluent limit (daily maximum or longer term average) that the Director determines caused, alone or in combination with other discharges, interference or pass through (including the endangering of Treatment Works personnel or the general public);
 - d. Any discharge of a Pollutant that has caused imminent endangerment to human health/welfare or to the

environment and has required the Treatment Works' exercise of its emergency authority consistent with 40 CFR Section 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

- e. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or obtaining final compliance;
- f. Failure to provide, within thirty (30) days after the due date, required reports such as base line monitoring reports, ninety (90) day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- g. Failure to accurately report non-compliance; or
- h. Any other violation or group of violations which the Director determines will adversely effect the operation or implementation of the Pretreatment Program.

* The six-month periods for determining SNC status will be January-June and July-December.

7.4 Enforcement Criteria

This Enforcement Guide provides a process for reviewing and screening industrial user violations to assure that enforcement resources are concentrated on the most serious violations. This Guide places priority on response to instances of industrial user SNC, especially by significant industrial users ("SIUs"). As resources allow, non-SIU discharges of concern and other instances of noncompliance are subject to enforcement responses. Notwithstanding the priority placed on a SIU's SNC, it is recognized that it may be appropriate to exercise enforcement discretion even if a SIU meets the SNC criteria (e.g., SNC criteria is triggered due to the result of one sample).

This Guide is intended to provide Township as much flexibility as allowed by applicable federal and state requirements in responding to industrial user violations. As such, deviations from this Guide may occur, depending upon the facts of a specific case.

7.5 Enforcement Response Guidelines

- (1) **Levels of Response.** There are three possible levels of response to all violations available to the Director. They include:

- (a) no response action;
- (b) an informal response; and
- (c) a formal response.

The Director will evaluate industrial user noncompliance. Factors to consider may include, but are not limited to, severity, potential effects to the Treatment Works, receiving stream and public health/welfare, frequency of occurrence, and such other facts as are deemed appropriate.

For some violations, the response may be no action necessary at this time ("NA"). A decision by Township not to initiate an enforcement response for industrial user violation(s) does not absolve the industrial user from any liability or damages should Township, EPA, Pennsylvania, or any other person, as appropriate, seek to initiate an enforcement response for such, or any other, violations by the industrial user.

If an enforcement response is deemed appropriate, enforcement options include informal and formal responses. These enforcement responses may include, but are not limited to:

- (i) Phone Call ("PC")
- (ii) Meeting ("MTG")
- (iii) Increased Monitoring ("IM")
- (iv) Notice of Violation ("NOV")
- (v) Modification of Industrial User Permit to include Additional Monitoring, Reporting, Effluent Limitations, or to Provide for Permit of Short Duration ("MOD")
- (vi) Administrative Order, which may contain a Compliance Schedule ("AO")
- (vii) Public Notice of Noncompliers beyond significant non-compliance ("PUB")
- (viii) Show Cause Order ("SCO")
- (ix) Consent Order, which may contain Fines ("CO")
- (x) Industrial User's Permit Revocation ("PR")
- (xi) Termination of Sewer Service ("TSS")
- (xii) Termination of Water Service ("TWS")
- (xiii) Civil Suit for Injunctive Relief and/or Civil Penalties ("CIV")
- (xiv) Collection of Damages ("DAM")
- (xv) Criminal Investigation and/or Action ("CRIM")
- (xvi) Performance Bonds/Liability Insurance ("PB/LI")
- (xvii) Referral to EPA and/or DER for federal and/or state enforcement action ("REF")

The enforcement response will depend upon the specifics of each case. Moreover, the identified enforcement responses are not mutually exclusive; Township may combine any enforcement responses provided for by law as it deems appropriate.

- (2) **Monetary Penalties.** This Enforcement Guide recognizes that the penalty amounts available to Township (as well as to other authorities) under state law may not be sufficient to recover the economic benefit of noncompliance by industrial users. In its discretion, Township may refer any industrial user's noncompliance to DER and/or EPA so as to subject the noncomplying industrial user to the higher penalties available to such agencies under applicable law. Township may join in any such proceeding or otherwise assist DER and/or EPA (e.g., provide testimony).
- (3) **Appropriate Response Ranges.** A summary of enforcement responses for various levels of noncompliance is included as Table 7.1, when Township deems an enforcement response to be appropriate. This Table compares the noncompliance with the circumstances surrounding the violation and suggests the appropriate response or range of responses available to the Director.

As stated above, for some violations an enforcement response may not be required. For example, equitable considerations may justify Township's exercise of its enforcement discretion.

- (4) **Time Frames For Responses.** Generally, the time frame for responses will be based upon the nature of the violation and competing pretreatment priorities. Violations which threaten human health, a Treatment Works or the environment will be given priority, as will SNC violations by SIUs.

Except as otherwise provided, an enforcement response will usually be initiated within ninety (90) days of Township undertaking a review of an industrial user file and determining that an enforcement response is appropriate. This, however, does not preclude Township from responding to a violation in a shorter period of time as it deems appropriate. It is also recognized that initiation of some of these enforcement options may be time consuming and result in the initiation of an enforcement action beyond a time period otherwise anticipated.

TABLE 7.1

ENFORCEMENT RESPONSE GUIDE SUMMARY

UNAUTHORIZED DISCHARGES

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES
1. Unpermitted discharge (no Permit)	IU unaware of requirement; no harm to TW/environment	PC, MTG, NOV with application form
	IU unaware of requirement; harm to TW/environment	PC, MTG, NOV with application form, SCO, TSS, TWS, CIV, DAM, PB/LI
	Failure to apply continues despite reasonable time period to comply after notice by TW.	NOV, AO, PUB, SCO, CO, TSS, TWS, CIV, CRM, DAM, REF
2. Failure to timely renew Permit	IU has not submitted application within 30 days of due date	NA, PC, MTG, NOV, AO

DISCHARGE LIMIT VIOLATION

1. Exceedance of local or Federal Standard	Isolated, non-routine or infrequent basis; no harm to TW/environment	NA, PC, MTG, IM, NOV, MOD, AO
	Isolated, non-routine or infrequent basis; harm to TW/environment	NA, PC, MTG, IM, NOV, MOD, AO, SCO, CO, TSS, TWS, CIV, CRIM, DAM, REF, PB/LI
	Routine or frequent basis; no harm to TW/environment	MTG, IM, NOV, MOD, AO, SCO, CO, TSS, TWS, CIV, CRIM, REF
	Routine or frequent basis; SNC and harm to TW/environment	IM, NOV, MOD, AO, PUB, SCO, CO, TSS, TWS, CIV, CRIM, DAM, REF, PB/LI

MONITORING AND REPORTING VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>
1. Reporting Violation	Report is improperly signed or certified	NA, PC, MTG, NOV, MOD
	Failure to properly sign or certify report after notice by TW	MTG, NOV, MOD, AO, SCO
	Isolated, non-routine, infrequent or minor reporting deficiency (e.g. typo; computation error or omission.)	NA, PC, MTG, NOV
	Gross reporting discrepancies or report 30 days late.	MTG, NOV, MOD, AO, SCO, CO, CIV, REF
	Failure to report slug load or significantly changed discharge (no harm to TW/environment)	PC, MTG, NOV, MOD, AO
	Failure to report slug load or significantly changed discharge (results in harm to TW/environment.)	MTG, NOV, MOD, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, REF
	Routine or frequent failure to report slug loads	NOV, MOD, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, REF
	Intentional falsification	SCO, CO, PR, TSS, TWS, CIV, DAM, CRIM, REF

MONITORING AND REPORTING VIOLATIONS

<u>NONCOMPLIANCE</u>	<u>NATURE OF THE VIOLATION</u>	<u>ENFORCEMENT RESPONSES</u>
2. Failure to monitor correctly	Failure to monitor all pollutants as required by permit	PC, MTG, NOV, MOD, AO
	Routine or frequent failure to monitor all pollutants as required by permit	MTG, NOV, MOD, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, REF
3. Improper sampling	Evidence of intent	SCO, CO, TSS, TWS, CIV, CRIM, REF
4. Failure to install monitoring equipment	Delay of less than 30 days	NA, PC, MTG, NOV
	Delay of 30 days or more	MTG, NOV, MOD, AO, SCO, CO, PR, TSS, TWS, CIV, CRIM, REF, PB/LI
5. Compliance Schedules (in permit)	Missed milestone by less than 90 days, or will not affect final milestone	NA, PC, MTG, NOV, AO, SCO, CO, CIV
	Missed milestone by more than 90 days, or will affect final milestone (good cause exists for delay)	NA, PC and/or MTG (to require documentation or other indicia of good cause), NOV, MOD, AO, SCO, CO, PB/LI
	Missed milestone by more than 90 days, or will affect final milestone (no good cause exists for delay)	NOV, AO, PUB, SCO, CO, PR, TSS, TWS, CIV, REF, PB/LI
	Routine or frequent violation or violations of schedule in CO by more than 180 days (no good cause exists for delay)	SCO, PR, TSS, TWS, CIV, CRIM, REF, PB/LI

OTHER PERMIT VIOLATIONS

NONCOMPLIANCE	NATURE OF THE VIOLATION	ENFORCEMENT RESPONSES
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1. Wastewater discharges are inappropriately diluted in lieu of treatment	Isolated, non-routine or infrequent violation	NA, PC, MTG, IM, NOV, MOD, AO, SCO CO, CIV.
	Routine or frequent basis despite reasonable time to comply after notice by TW.	MTG, IM, NOV, MOD, AO, PUB, SCO, CO, TSS, TWS, CIV

VIOLATIONS DETECTED DURING SITE VISITS

1. Entry Denial	Entry denied or consent withdrawn Copies of records denied	MTG, NOV, AO, SCO, CO, CIV, CRIM, including obtaining warrant and return to IU
2. Inadequate record keeping in violation of applicable requirements	Inspector finds files incomplete to missing (no evidence of intent)	PC, MTG, NOV, MOD
	Routine or frequent basis	MTG, NOV, MOD, AO, SCO, CIV
3. Failure to report required monitoring data	Inspection finds additional files	NA, PC, MTG, NOV, MOD, SCO, CIV
	Routine or frequent basis	MTG, NOV, IM, MOD, AO, PUB, SCO, CO, CIV

8. TECHNICAL REQUIREMENTS

8.1 Introduction

The following Sections present the technical requirements for the Pretreatment Program.

8.2 Wastewater Discharge Limitations

<u>PARAMETER</u>	<u>DAILY MAXIMUM</u> <u>(MG/L)</u>	<u>MONTHLY AVERAGE</u> <u>(MG/L)</u>
Flow	Report for each point of discharge	
pH	6.0 - 9.5 SU	6.0 - 9.5 SU
Temperature	58.8°C	<49°C

<u>PARAMETER</u>	<u>DAILY MAXIMUM</u> <u>(MG/L)</u>	<u>MONTHLY AVERAGE</u> <u>(MG/L)</u>	<u>SURCHARGE</u> <u>LIMITS</u>
*Ammonia-Nitrogen	109.20	78.00	25
*BOD-5	2100.00	1500.00	300
*Phosphorus as P	53.20	38.00	16.3
*Suspended Solids	553.20	461.00	300
*Fats, Oils, Grease	285.60	204.00	100
Arsenic	0.096	0.08	
Cadmium	0.024	0.02	
Chromium (Total)	1.97	1.64	
Hexavalent Chromium	0.22	0.18	
Copper	0.41	0.34	
Cyanide	0.17	0.14	
Iron	120.00	100.00	
Lead	0.60	0.50	
Manganese	0.24	0.20	
Magnesium	18.00	15.00	
Mercury	0.11	0.09	
Nickel	0.61	0.51	
Silver	0.13	0.11	
Sulfate	600.00	500.00	
Sulfide	60.00	50.00	
Zinc	0.37	0.31	

TTO (Total Toxic Organics) Report Results-Categorical Standards Apply

*Users found discharging these Pollutants in excess of the above daily maximum limits shall, in addition to any other remedies provided under this Program, be assessed a surcharge for the removal thereof in accordance with the formula as provided in Section 4I hereinabove.

8.3 Infiltration Prohibition

All waters or wastes discharged into the Sewer System by any User shall not contain any storm water, surface water, groundwater, roof run off, subsurface drainage, or any discharges other than Sewage Wastes or Wastewater as herein defined. The sources of excessive infiltration shall be located and corrected by the Director with respect to the Sewer System in order that any Treatment Works capacity shall not be needlessly overtaxed.

8.4 Prohibited Discharges

No Person shall discharge or cause to be discharged into any sewer or the Sewer System, with or without Pretreatment, any Industrial Wastes, chemicals, or other discharges having any one of the following characteristics:

- (1) Any liquid or vapor having a temperature higher than 58.8 degrees Celsius.
- (2) Any waters or wastes containing more than 285.6 ppm by weight of fats, oils or grease.
- (3) Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas.
- (4) Any unground garbage, scraps or vegetables.
- (5) Any ashes, cinders, sand, mud, straw, wood or metal shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, butcher's offal, or any other solid or viscous substance capable of causing obstruction to the flow into any Treatment Works or capable of causing injury to any Treatment Works or capable of causing a nuisance or other interference with the proper operation of any Treatment Works.
- (6) Any waters or wastes having a pH lower than 6.0 or higher than 9.5 or having any other corrosive property capable of causing damage or hazard to the structures or equipment constituting part of any Treatment Works or to personnel engaged in the operation and maintenance thereof.
- (7) Any waters or wastes containing any Toxic Substance in quantity sufficient to constitute a hazard to humans or animals or to injure or interfere with any sewage treatment process or to create any hazard in the receiving waters of any Treatment Works.
- (8) Any waters or wastes having an average five-day BOD greater than 2100 ppm, a Suspended Solids content greater than 553.2 ppm or of such character and quantity that unusual attention or expense shall be required to handle such waters or wastes at the treatment plant, a total phosphorus as P content greater than 53.2 ppm or an ammonia nitrogen content greater than 109.2 ppm, except as may be approved by the

Director and in accordance with rules and regulations, including charges and fees, adopted or to be adopted by the Township.

- (9) Any noxious or malodorous gas or substance capable of creating a public nuisance or hazard to life or of preventing entry into any sewer or any Treatment Works for maintenance and repair.
- (10) No rates of flow taking on the proportions of a Slug. This subsection applies, likewise, to Sanitary Sewage.
- (11) Any toxic radioactive isotopes or materials.
- (12) Any drainage from building construction; and any storm water, surface water, groundwater, roof run off, subsurface drainage, or any discharges other than Sewage Wastes or Wastewater.
- (13) Any pollutants which create a fire or explosion hazard in the Treatment Works, including, but not limited to, wastestreams with a closed up flashpoint of less than 140 degrees Farenheit or 60 degrees Centigrade using the test methods specified in 40 CFR 261.21.
- (14) No discharge to the Treatment Works shall result in toxic gases, vapors or fumes within the Treatment Works in a quantity that may cause acute worker health and safety problems.
- (15) Any discharge of petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass through.

Exclusion from any Sewage Collection System or the Sewer System of non-contaminated waters and wastes may be required by the Director; otherwise such exclusion is optional on the part of any person.