

## **Chapter 18**

### **Sewers and Sewage Disposal**

#### **Part 1 Sewers**

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**Part 1****Sewers****A. Industrial Pretreatment****§18-101. General Provisions.**1. *Purpose and Policy.*

A. This Part sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment systems of Hunker Borough and enables Hunker Borough and the Hempfield Township Municipal Authority (hereinafter "THTMA") to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations, 40 CFR, Part 403.

B. The objectives of this Part include, but are not limited to:

(1) To prevent the introduction of pollutants into the wastewater system of THTMA which will interfere with the operation of the collection or treatment systems including interference with the use or disposal of the resulting sludge.

(2) To prevent the introduction of pollutants into the wastewater system of THTMA which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system.

(3) To prevent the introduction of pollutants into the wastewater system of THTMA which would expose THTMA personnel to chemical hazards.

(4) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.

(5) To provide for equitable distribution of the cost of the municipal wastewater system.

C. This Part provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users, authorizes monitoring and enforcement activities, requires user reporting, assumes that existing customer's capacity will not be preempted and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

D. This Part shall apply to Hunker Borough and to persons outside Hunker Borough who are, by contract or agreement with Hunker Borough, users of the sewage treatment plant of THTMA. Except as otherwise provided herein, the manager of the sewage treatment plant of THTMA shall administer, implement and enforce the provisions of this Part.

2. *Definitions.* Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated:

*Act or “the Act”*—the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §1251 *et seq.*

*Approval authority*—the Regional Administrator in an NPDES State with an approved State pretreatment program and the Regional Administrator in a non-NPDES State or NPDES State without an approved State pretreatment program.

*Approved pretreatment program or pretreatment program*—the program administered by Hunker Borough and THTMA that meets the criteria established by 40 CFR 403.8 and 403.9 and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.

*Authorized representative of industrial user*—an authorized representative of industrial user may be: (1) A principal executive officer of at least the level of vice-president, if the industrial user is a corporation; (2) A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; (3) A duly authorized representative of the individual designated in (1) or (2) if described in (1) or (2); (b) the authorization specifies either an individual or person having responsibility for the overall responsibility for environmental matters for the company; and (c) written authorization is submitted to the control authority; (4) If an authorization individual or position has responsibility for environmental matters for the company, a new authorization satisfying the requirements of (D) must be submitted to the control authority prior to or together with any reports to be signed by an authorized representative.

*Biochemical oxygen demand (BOD)*—the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20 degrees centigrade expressed in terms of concentration (milligrams per liter (mg/l)).

*Building sewer*—a sewer conveying wastewater from the premises of a user to the wastewater system of Hunker Borough or THTMA.

*Categorical standards*—National Categorical Pretreatment Standards or pretreatment standard.

*Cooling water*—the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

*Control authority*—the term “control authority” shall refer to the “approval authority,” defined hereinabove; or the Manager of THTMA if there is an approved pretreatment program applicable under the provisions of 40 CFR 403.11.

*Direct discharge*—the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

*Director*—the chief administrative officer of a State or interstate water pollution control agency with an NPDES permit program approved pursuant to §402(b) of the Act and an approved State Pretreatment Program.

*Environmental Protection Agency or EPA*—the U.S. Environmental Protection Agency, or where the term may also be used as a designation for the administrator or other duly authorized official of said agency.

*Grab sample*—a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to

exceed 15 minutes.

*Holding tank waste*—any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

*Indirect discharge*—the discharge or the introduction of pollutants into the sewage treatment plant of THTMA from any source regulated under §307(b), (c) or (d) of the Act, 33 USC 1317.

*Industrial user*—a source of indirect discharge.

*Interference*—a discharge which, alone or in conjunction with a discharge or discharges from other sources, both (1) inhibits or disrupts the sewage treatment plant of THTMA, its treatment processes or operations, or its sludge processes, use or disposal; and (2) therefore is a cause of a violation of any requirements of THTMA sewage treatment plant's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations) §405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substance Control Act, and the Marine Protection, Research and Sanctuaries Act.

*Pretreatment standard*—any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, which applies to industrial users. This term includes prohibitive discharge limits established pursuant to 40 CFR 403.5. The Categorical Pretreatment Standards found in 40 CFR, Chapter I, Subchapter N, Parts 405.471 are hereby incorporated.

*New source*—(1) Any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section; provided, that (a) the building, structure, facility or installation is constructed at a site at which no other source is located; or (b) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or (c) the production of wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered. (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraph (1) (b), or (1) (c) of this paragraph but otherwise alters, replaces, or adds to existing process or production equipment. (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has (a) begun, or caused to begin as part of a continuous on-site construction program (i) any placement, assembly, or installation of

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

*NPDES permit or permit*—a permit issued to a POTW pursuant to §402 of the Act.

*NPDES state*—a state (as defined in 40 CFR 122.2 or interstate water pollution control agency with an NPDES permit program approved pursuant to §402(b) of the Act.

*Pass through*—a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

*Publicly-owned treatment works, or POTW*—a treatment works as defined by §212 of the Act, which is owned by a State or municipality (as defined by §502(4) of the Act). This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also includes the municipality as defined in §502(4) of the Act, which has jurisdiction over the indirect discharges to and the discharges from such a treatment works. Within the context of this, the term “POTW” specifically refers to THTMA sewage treatment plant.

*POTW treatment plant*—the portion of the POTW which is designed to provide treatment (including recycling and reclamation) of municipal sewage and industrial waste.

*Pretreatment*—the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with CFR 403.6(e).

*Pretreatment requirement*—any substantive or procedural requirement related to pretreatment, other than a pretreatment standard, imposed on an industrial user.

*Pretreatment standard*—any regulation containing pollution discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, 33 USC 1347, which applies to a specific category of industrial users, or any rule, regulation, ordinance or term of condition of a permit or order adopted or issued by the Commonwealth of Pennsylvania or a POTW for the implementation or enforcement of an industrial waste pretreatment program, established under the Federal Water Pollution Control Act or the Clean Streams Law.

*Regional Administrator*—the appropriate EPA Regional Administrator.

*Shall*—is mandatory; may is permissive.

*Significant industrial user*—(1) Except as provided in paragraph (B) of this Section, a significant industrial user of the wastewater disposal system of THTWA is defined as (a) all industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR, Chapter I, Subchapter N; and (b) any other industrial user that: (i) discharges an average of 25,000 gallons per average work day or more of process wastewater to POTW (excluding sanitary, non-contact cooking and boiler blowdown wastewater); or (ii) contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iii) has in their wastes toxic pollutants as defined pursuant to §307 of the Act of (State) Statutes and rules; or (iv) is found by THTMA, State control agency, or the U.S. EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the steam, or (v) is designated as such by the control authority on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (f) (6), (B) upon finding that an industrial user meeting the criteria in paragraph (1) of this Section has no reasonable potential for adversely affecting the POTW's 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 unless the industrial user is classified as a categorical industrial user.

*Significant Noncompliance*—an industrial user is in significant noncompliance if its violation meets one or more of the following criteria; (1) chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter; (2) technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6-month period equal or exceed the product of the daily maximum limit or average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH); (3) any other violation of a pretreatment effluent limit (daily maximum or longer term average) that the control authority determines has caused alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public); (4) any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment

or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(1)(1)(vi)(B) to halt or prevent such a discharge; (5) failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance; (6) Failure to provide within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules; (7) failure to accurately report noncompliance; or (8) any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

*Slug discharge or accidental discharge*—any discharge of a non-routine, episodic nature, including, but not limited to, an accident spill or a non-customary batch discharge, which would cause a violation of the prohibited discharge standards found in §18-102.1.

*State*—Commonwealth of Pennsylvania.

*Standard industrial classification (SIC)*—a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President. Office of Management and Budget, 1972.

*Stormwater*—any flow occurring during or following any form of natural precipitation and resulting therefrom.

*Submission*—(1) a request by THTMA for approval of a pretreatment program to the EPA or a Director; (2) a request by THTMA to the EPA or a Director for authority to revise the discharge limits in categorical pretreatment standards to reflect sewage treatment plant pollutant removals; or (3) a request to the EPA by an NPDES State for approval of its State pretreatment program.

*Suspended solids*—the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids, and which is removable by laboratory filtering.

*Toxic pollutant*—any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of CWA 307(a) or other Acts.

*User*—any person who contributes, causes or permits the contribution of wastewater into the POTW.

*Wastewater*—the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

*Wastewater contribution permit*—as set forth in §18-104.2 of this Part.

*Waters of the State*—all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

*Water Protection Division Director*—one of the Directors of the Water Protection Divisions within the regional offices of the Environmental Protection Agency or this



person's delegated representative.

3. *Abbreviations.* The following abbreviations shall have the designated meanings:

- A. BOD–Biochemical oxygen demand.
- B. CFR–Code of Federal Regulations.
- C. COD–Chemical oxygen demand.
- D. EPA–Environmental Protection Agency.
- E. l–Liter.
- F. mg–Milligrams.
- G. mg/l–Milligrams per liter.
- H. NPDES–National Pollutant Discharge Elimination System.
- I. POTW–Publicly-owned treatment works.
- J. SIC–Standard industrial classification.
- K. SWDA–Solid Waste Disposal Act, 42 USC §6901 *et seq.*
- L. USC–United States Code.
- M. TSS–Total suspended solids.

(*Ord. 46, 11/6/1997, §1*)

#### **§18-102. Regulations.**

1. *General Discharge Prohibitions.* No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will cause pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of a POTW whether or not the user is subject to National Categorical Pretreatment Standards or requirements. A user may not contribute the following substances to any POTW:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. These substances include, but are not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 percent nor any single reading over 10 percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the control authority, the State or approved authority has notified the user is a fire hazard or a hazard to the collection or treatment system.

B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particle greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides

or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.

D. Any wastewater containing toxic pollutants or pollutants which result in the presence of toxic gases, vapors or fumes, in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, or cause injury, worker health and safety problems constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a categorical pretreatment standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to §307(a) of the Act.

E. Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

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

G. Any substance which will cause the POTW to violate its NPDES and/or State disposal system permit or the receiving water quality standards.

H. Any wastewater with objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

I. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in pass through or interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees C (104 degrees F) unless US EPA has approved alternate limits as requested by the POTW.

J. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause pass through or Interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average 24-hour concentration, quantities, or flow during normal operation.

K. Any wastewater containing any radioactive wastes or isotopes of such

half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

L. Any wastewater which causes a hazard to human life or creates a public nuisance.

M. Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause pass through or interference of the POTW.

N. Any trucked or hauled pollutants, except at discharge points designated by THTMA.

When THTMA determines that a user is contributing to the POTW any of the above enumerated substances in such amounts as to cause pass through or interference of the POTW, the control authority shall: (A) advise the user of the impact of the contribution on the POTW; (B) develop effluent limitations for such user to correct the problem of pass through or interference of the POTW. The Authority may pursue an enforcement action, as outlined in §18-105, "Enforcement," of this Part against the industrial user in the event that the user causes pass through or interference.

2. *Federal Categorical Pretreatment Standards.* Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Part for sources in that sub-category, shall immediately supersede the limitations imposed under this Part. The categorical pretreatment standards found in 40 CFR, Chapter 1, subchapter N, parts 405-471 are incorporated herein by reference. The control authority shall notify all affected users of the applicable reporting requirements under 40 CFR, §403.12.

3. *Modification of Federal Categorical Pretreatment Standards.* Where the said POTW treatment plant achieves consistent removal of pollutant(s) discharged by an industrial user to which a categorical pretreatment, standard(s) applies, THTMA may, at its discretion and subject to the conditions of 40 CFR 403.7, make application to the approval authority for permission to grant removal credits to reflect removal by the POTW of pollutants specified in the categorical pretreatment standard(s). The control authority may grant a removal credit equal to, or at its discretion, less than its consistent removal rate. Upon being granted a removal credit, each affected industrial user shall calculate its revised discharge limits in accordance with 40 CFR 403.7 (a) (4).

Consistent removal shall mean the average of the lowest 50 percent of the removal measured according to 40 CFR 403.7(b)(2). All sample data obtained for the measured pollutant during the time period prescribed in 40 CFR 403.7(b)(2) must be reported and used in computing consistent removal. If a substance is measurable in the influent but not in the effluent, the effluent level may be assumed to be the limit of measurement, and those data may be used by the POTW at its discretion and subject to approval by the approval authority. If the substance is not measurable in the influent, the data may not be used.

The POTW may grant removal credits only if:

A. The POTW applies for and receives, authorization from the approval authority to give a removal credit in accordance with the requirements and procedures specified in 40 CFR 403.7(e).

B. The POTW demonstrates and continues to achieve consistent removal of

all the pollutant(s) in accordance with 40 CFR 403.7(b).

C. The POTW has an approved pretreatment program in accordance with and to the extent required by 40 CFR 403.

D. The granting of removal credits will not cause the POTW to violate the local, State, and Federal sludge requirements which apply to the sludge management method chosen by the POTW.

E. The granting of removal credits will not cause a violation of the POTW's permit limitation or conditions.

THTMA may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the approval authority is obtained.

4. *Specific Pollutant Limitations.* No person shall discharge wastewater containing pollutants in excess of the maximum amounts specified in the current rules and regulations governing industrial sewer use of THTMA.

5. *State Requirements.* State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations on those in this Part.

6. *Hunker Borough Right of Revision.* Hunker Borough reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in §18-101.1 of this Part.

7. *Excessive Discharge.* No user shall ever increase the use of process water or in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by Hunker Borough, THTMA or the State. Dilution is permitted only where expressly authorized by an applicable Pretreatment Standard of Requirement.

8. *Slug or Accidental Discharges.* Each significant industrial user shall provide protection from accidental or slug discharges of prohibited materials or other substances regulated by this Part. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and a complete description of operating procedures implemented to provide this protection shall be submitted to THTMA prior to construction of the facility. All existing significant industrial users shall have completed the aforementioned plan as required by this Part. No industrial user who commences contribution to the POTW after the effective date of this Part shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by THTMA. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the industrial user's facility as necessary to meet the requirements of this Part.

A complete description of operating procedures must include, but not be limited to, the following:

A. A listing of all stored chemical, including the type and nature of chemical, maximum quantity stored, and any safety procedures to be followed if an accidental discharge occurs.

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

C. A description of procedures to prevent adverse impact from accidental or slug discharges, including but not limited to inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of site runoff, employee training, building of containment structures or equipment for emergency response.

9. *Notification.* In the case of accidental or slug discharge or any discharge that could cause problems at the POTW, it is the responsibility of the industrial user to immediately telephone and notify the POTW of the incident. The notification shall include location of discharge, type of waste discharged, concentration and volume of waste discharged and corrective actions.

Within 5 days following an accidental or slug discharge, the industrial user shall submit to THTMA a detailed written report describing the cause of the discharge and the measures taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage, to the POTW, fish kills, or any other damage to person or property; not shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by this Part or other applicable law.

10. *Notice to Employees.* A notice shall be permanently posted on the industrial user's bulletin board or other prominent location advising employees whom to contact in the event of an accidental or slug discharge. Employers shall insure that all employees are advised of the emergency notification procedure.

11. *Control Authority Review.* THTMA shall, at least once every 2 years, evaluate whether each industrial user will be required to develop a plan to control accidental or slug discharges.

(Ord. 46, 11/6/1997, §2)

### **§18-103. Fees.**

1. *Purpose.* It is the purpose of this Section to provide for the recovery of costs from industrial users of the said wastewater disposal system for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the schedule of fees of THTMA after approval by resolution of Hunker Borough.

2. *Charges and Fees.* THTMA may adopt charges and fees which may include:

A. Fees for reimbursement of costs of establishing and operating the pretreatment program of THTMA.

B. Fees for monitoring, inspections and surveillance procedures.

C. Fees for reviewing accidental or slug discharge procedures and construction.

D. Fees for permit applications.

E. Fees for filing appeals.

F. Fees for consistent removal by THTMA of pollutants otherwise subject to Federal Pretreatment Standards.

G. Other fees as THTMA may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by Hunker Borough or by THTMA.

(Ord. 46, 11/6/1997, §3)

#### **§18-104. Administration.**

1. *Wastewater Discharges.* It shall be unlawful to discharge without a permit to any natural outlet within Hunker Borough, or in any area under the jurisdiction of said Hunker Borough, and/or to the POTW any wastewater except as authorized by Hunker Borough or THTMA in accordance with the provisions of this Part.

2. *Wastewater Contribution Permits.*

A. *General Permits.* All significant industrial users proposing to connect to or to contribute to the POTW shall obtain a wastewater discharge permit before connecting to or contributing to the POTW. All existing significant industrial users connected to or contributing to the POTW shall obtain a wastewater contribution permit within 180 days after the effective date of this Part. Compliance with applicable Pretreatment Standards and requirements by industrial users is mandatory.

B. *Permit Application.* Industrial users required to obtain a wastewater contribution permit shall complete and file with THTMA, an application in the form prescribed by THTMA and accompanied by a fee as determined by THTMA. Existing industrial users shall apply for a wastewater contribution permit within 30 days after the effective date of this Part, and proposed new sources shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and location, (if different from the address) of the facility, and the name of all operators and owners.

(2) A list of any environmental control permits held by for the facility.

(3) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.

(4) A description of the nature of activities, facilities and plant processes on the premises including all materials which are or could be discharged.

(5) Each product produced by type, amount, process processes and rate of production.

(6) Type and amount (average and maximum per day) of raw materials processed.

(7) Number and type of employees, hours of operation facility, and proposed to actual hours of operation pretreatment system.

(8) A complete set of site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections and appurtenances by size, location and elevation.

(9) The average daily and 30-minute peak wastewater flow rates,

including daily, monthly and seasonal variations, if applicable.

(10) Time and duration of wastewater contribution.

(11) Wastewater constituents and characteristics including, but not limited to, those mentioned in §18-102 of this Part as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to §304(g) of the Act and contained in 40 CFR, Part 136, as amended; laboratory analysis must be attached and submitted with the application.

(12) Where known, the nature and concentration of any pollutants in the discharge which are limited by any municipal, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis and if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards.

(13) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the shortest compliance schedule by which the industrial user will provide such additional pretreatment or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to the compliance schedule requirement:

(a) The compliance schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities or O & M required for the industrial user to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subparagraph (a) shall exceed 9 months.

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

(d) The signature of an authorized representative of the industrial user and certification statement as expressed in 40 CFR 403.6(a)(2)(ii).

(e) Any other information as may be deemed by THTMA to be necessary to evaluate the permit application.

THTMA will evaluate the data furnished by the industrial user and may require additional information. After evaluation and acceptance of the data furnished, THTMA may issue a wastewater contribution permit subject to the

terms and conditions provided herein.

The authority may at its discretion deny issuance of a permit to industrial users where such contributions of pollutants do not meet applicable Pretreatment Standards and requirements or where such contributions would cause the POTW to violate its NPDES permit.

C. *Permit Requirements.* Permits shall contain self-monitoring, sampling, reporting, notification and record keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type based upon the applicable General Pretreatment Standards in 40 CFR 403, Categorical Pretreatment Standards, local limits, and State and local law.

D. *Permit Notification.* Within 90 days of the promulgation of a National Categorical Pretreatment Standard, the wastewater contribution permit of significant industrial users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Within 60 days after the effective date of a Categorical Pretreatment Standard, or 60 days after the final administrative decision made upon a category determination submission under 40 CFR. 403.6(a)(4), whichever is later, existing industrial users subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to a POTW shall be required by §18-104.2.B of this Part.

At least 90 days prior to commencement of discharge, new sources, and sources that become industrial users subsequent to the promulgation of an applicable Categorical Pretreatment Standard, shall be required to submit to the control authority an application for a wastewater contribution permit as required by §18-104.2.B of this Part. New sources shall also be required to include in the wastewater contribution permit application information on the method of pretreatment that the source intends to use to meet applicable Pretreatment Standards. New sources shall provide estimates of the information requested in subparagraphs (5), (6), (9), (10), (11), (12), and (13) of §18-104.2.B of this Part.

E. *Permit Conditions.* Wastewater discharge permits shall be expressly subject to all provisions of this Part and all other applicable regulations, user charges and fees established by THTMA. Permits may contain the following:

(1) Effluent limits based upon applicable General Pretreatment Standards, Categorical Pretreatment Standards, local limits, and State and local law.

(2) The unit charge or schedule of user charges and fees for the wastewater to be discharged to a common sewer.

(3) Limits on the average and maximum wastewater constituent and characteristics.

(4) Limits on the average and maximum rate and time of discharge requirements for flow regulations and equalization.

(5) Requirements for installation and maintenance of inspection and sampling facilities.

(6) Specification for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.



- (7) Compliance schedules.
- (8) Requirements for submission of technical reports or discharge reports.
- (9) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by THTMA, and affording THTMA access thereto.
- (10) Requirements for notification of THTMA in advance of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- (11) Requirements for notification of slug discharges as per §18-102.8 of this Part.
- (12) Other conditions as deemed appropriate by THTMA to ensure compliance with this Part.
- (13) Requirements for permit duration as outlined in §18-104.2.F of this Part.
- (14) Requirements of permit transfer as outlined in §18-104.2.G of this Part.

F. *Permit Duration.* Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The industrial user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the user's existing permit. The terms and conditions of the permit may be subject to modification by THTMA during the term of the permit as limitations or requirements as identified in §18-102 are modified, or other just cause exists. The industrial user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable period of time for compliance.

G. *Permit Transfer.* Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises or a new or changed operation without the written approval of THTMA. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit.

H. *Civil and Criminal Penalties.* Permits shall contain a statement of applicable civil and criminal penalties for violation of pretreatment standards, as specified in §18-106 of this Part, and any applicable compliance schedules.

I. *Notification of Changed Discharge.* All industrial users of the wastewater system of THTMA shall promptly notify the POTW in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted initial notification under 40 CFR 403.12(p).

### 3. *Permittee Reporting Requirements.*

A. *Measurement of Pollutants.* The industrial user shall comply with the requirements as specified in 40 CFR 403.12(b)(5), as amended.

- (1) The industrial user shall identify the pretreatment standards

applicable to each regulated process.

(2) The industrial user shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the standard or control authority) of regulated pollutants in the discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations.

(3) A minimum of four grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organics. For all other pollutants, 24-hour composite samples must be obtained through flow proportional composite sampling techniques where feasible. The control authority may waive flow-proportional composite sampling for any industrial user that demonstrates that flow proportional composite sampling is infeasible. In such cases, samples may be obtained through time proportional composite sampling when the industrial user demonstrates that this will provide a representative sample of the effluent being discharged.

(4) The industrial user shall take a minimum of one representative sample to compile the data necessary to comply with the requirements of §18-104.3.A.

(5) Samples should be taken immediately downstream from pretreatment facilities if such exist, or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment, the industrial user should measure the flows and concentrations necessary to allow use of the combined wastestream formula presented in 40 CFR 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit, along with supporting data, shall be submitted to THTMA.

(6) Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling or analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties approved by the administrator.

(7) The control authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures.

(8) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.

(9) The baseline report shall include the signature of an authorized representative of the industrial user and certification statement as expressed

in 40 CFR 403.6(a)(2)(ii).

B. *Periodic Compliance Reports; Categorical Industrial Users.* The following requirements must be followed by industrial users to which categorical pretreatment standards apply:

(1) Any industrial user subject to a categorical pretreatment standard, after the compliance date of such pretreatment standard, or in the case of a new source, after commencement of the discharge in the POTW, shall submit to THTMA during the months of June and December, unless required more frequently in the pretreatment standard or by the control authority of approval authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the discharge reported. However, THTMA may require more detailed reporting of flows. At the discretion of the control authority and in consideration of such factors as local high or flow rates, holidays, budget cycles, etc., the control authority may agree to alter the months during which the above reports are to be submitted.

(2) Where THTMA has imposed mass limitations on industrial users as provided for by 40 CFR 403.6(d), the report required by subparagraph (1) of this Section shall indicate the mass of pollutants regulated by Pretreatment Standards in the discharge from the industrial user.

(3) For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures of 40 CFR 403.6(c), the report required by subparagraph (1) of this Section shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), the report required by subparagraph (1) of this Section shall include the industrial user's actual average production rate for the reporting period.

(4) The periodic compliance report shall include the signature of an authorized representative of the industrial user and certification statement as expressed in 40 CFR 403.65(a)(2)(ii).

C. The control authority shall require appropriate reporting from those industrial users with discharges that are not subject to Categorical Pretreatment Standards. Significant non-categorical industrial users shall submit to THTMA at least once every 6 months (in dates specified by the control authority) a description of the nature, concentration, and flow of the pollutants required to be reported by the control authority. These reports shall be based on sampling and analysis performed in the period covered by the report, and performed in accordance with the techniques described in 40 CFR 136 and amendments thereto. Where 40 CFR 136 does not contain sampling of analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR 136 sampling and analytical techniques for the pollutant in question, or where the administrator determines that the 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be

performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other persons, approved by the administrator. This sampling and analysis may be performed by the control authority in lieu of the significant non-categorical industrial user. Where the POTW itself collects all the information required for the report, the non-categorical significant industrial user will not be required to submit the report.

The compliance report shall include the signature of an authorized representative of the industrial user and certification statement as expressed in 40 CFR 403.6(a)(2)(ii).

D. *Compliance Report Deadline.* Within 90 days following the date for final compliance with applicable categorical pretreatment standard or in the case of a new source, following commencement of the introduction of wastewater into the POTW any industrial user subject to pretreatment standards and requirements shall submit to THTMA a report containing the information described in §18-104.3 of this Part.

For industrial users subject to equivalent mass or concentration limits established by the control authority in accordance with the procedures of 40 CFR 403.6(c), this report shall contain a reasonable measure of the industrial user's long term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the industrial user's actual production during the appropriate sampling period.

The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the industrial user into compliance with the applicable pretreatment standards of requirements. This report shall be signed by an authorized representative of the industrial user and certified in accordance with §18-104.2.B(13) of this Part.

#### 4. *Monitoring.*

##### A. *Monitoring and Analysis.*

(1) The reports required in §§18-104.2.B, 18-104.3.B, and 18-104.3.C of this Part 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 therein which are limited by applicable pretreatment standards. This sampling and analysis may be performed by the control authority in lieu of the industrial user. Where the POTW performs the required sampling and analysis in lieu of the industrial user, the industrial user will not be required in the aforementioned reports. In addition, where the POTW itself collects all the information required for the report, including flow data, the industrial user will not be required to submit the report.

(2) If sampling performed by an industrial user indicates a violation, the industrial user shall notify THTMA within 24 hours of becoming aware of the violation. The industrial 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. The industrial user is not required to re-sample if:

(a) The control authority performs sampling at the industrial user at a frequency of at least once per month.

(b) The control authority performs sampling at the industrial user between the time when the industrial user performs its initial sampling and the time when the industrial user receives the results of this sampling.

(3) The reports required in §§18-104.3.B and 18-104.3.C of this Part shall be based-upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data is representative of conditions occurring during the reporting period. THTMA shall require that frequency of monitoring necessary to assess and assure compliance by industrial users with applicable Pretreatment Standards and requirements.

(4) All analyses shall be performed in accordance with procedures established by the Administrator pursuant to §304(h) of the Act and contained in 40 CFR 136 and amendments thereto or with any other test procedures approved by the Administrator (see 40 CFR 136.4 and 136.5). Sampling shall be performed in accordance with the techniques approved by the administrator. Where 40 CFR 136 does not include sampling or analytical techniques for the pollutant in question, or where the Administrator determines that 40 CFR 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or another sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the administrator.

(5) If an industrial user subject to the reporting requirements of §§18-104.3.B or 18-104.3.C of this Part monitors any pollutant more frequently than required by THTMA, using the procedures prescribed in subsection .4.D of this Part, the results of this monitoring shall be included in the report.

5. *Monitoring Facilities.* THTMA shall require to be provided and operated at the industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the industrial user's premises, but THTMA may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and so located as not to be obstructed by landscaping or parked vehicles.

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

Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the requirements of THTMA and all applicable local construction standards and specifications. Construction shall be completed within 90 days following notification by THTMA.

6. *Inspection and Sampling.* THTMA shall sample the discharge and inspect the facilities of any industrial user a minimum of two times per year to ascertain whether

the purpose of this Part is being met and all requirements are being complied with. Owners and occupants of premises where wastewater is created or discharged shall allow THTMA or its representative ready access at all reasonable times to all parts of the premises for inspection, sampling, records examination or in the performance of any of their duties. The EPA shall have the right to set up on the industrial user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where an industrial user has security measures in force which would require proper identification and clearance before entry into its premises, the industrial user shall make necessary arrangements with their security guards so that, upon presentation of appropriate identification, personnel from THTMA, approval authority and the EPA will be permitted to enter, without delay, for the purposes of performing their duties.

7. *Recordkeeping Requirements.*

A. Any industrial user subject to the reporting requirements established in §18-104.3 of this Part shall maintain records of all information resulting from any monitoring activities required by §18-104.3 of this Part. Such records shall include for all samples:

- (1) The dates, exact place, method, and time of sampling and the names of the person(s) obtaining the samples.
- (2) The dates analysis were performed.
- (3) Who performed the analysis.
- (4) The analytical techniques/methods used.
- (5) The results of such analyses.

B. Any industrial user subject to the reporting requirement established by §18-104.3 of this Part shall be required to retain for a minimum of 3 years any records of monitoring activities and results (whether or not such monitoring activities are required by this Section) and shall make such records available for inspection and copying by the Director, Regional Administrator, and THTMA. This period of retention shall be extended during the course of any unresolved litigation regarding the industrial user, or when requested by the Director, the Regional Administrator, or THTMA.

C. Any POTW to which reports are submitted by an industrial user pursuant to §§18-104.2.B, 18-104.3.B, and 18-104.3.C of this Part shall retain such reports for a minimum of 3 years and shall make such reports available for inspection and copying by the Director and the Regional Administrator. This period of retention shall be extended during the course of any unresolved litigation regarding the discharge of pollutants by the industrial user or the operation of the POTW pretreatment program or when requested by the Director or the Regional Administrator.

8. *Hazardous Waste Notification.* The industrial user shall comply with the hazardous waste notification requirements established below:

A. The industrial user shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge into the POTW of a substance, which, if otherwise disposed, would be a hazardous waste under 40 CFR 261. Such notification must include the name

of the hazardous waste as set forth in 40 CFR 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 POTW, the notification shall also contain the month to the POTW, 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 12 months. All notifications must occur within 180 days of the effective date of 40 CFR 403. Industrial users who commence discharging after the effective date of 40 CFR 403 shall provide the 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, notification of changed discharges must be submitted under §18-104.2.A of this Part. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements of §18-104.3 of this Part.

B. Dischargers are exempt from the requirements of paragraph .A during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.30(e). Discharge of more than 15 kilograms of non-acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.30(e), requires a one-time notification. Subsequent months during which the industrial user discharges more than such quantifies of any hazardous waste do not require additional notification.

C. In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the industrial user must notify the POTW, 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 §18-104.7 of this Part, 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.

9. *Pretreatment.* Users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limits specified by Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to THTMA shall be provided, operated and maintained at industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to THTMA for review, and shall be acceptable to THTMA before construction of the facility. The review of such plans and operating procedures will, in no way, relieve the industrial user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to THTMA under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be

reported to and be acceptable to THTMA prior to the industrial user's initiation of such changes.

THTMA shall annually publish in the legal ads department of the local newspaper, a list of the users which were not in compliance with any pretreatment requirements or standards at any time during the 12 previous months in accordance with 40 CFR 403.8(f)(2)(vii). The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

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

When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this Part, the National Pollutant Discharge Elimination System (NPDES) Permit, State disposal system permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. In addition, all industrial user information will be provided without any restriction, to US EPA upon which US EPA will follow the confidentiality requirements of 40 CFR 403.14 in determining what information will be made available to the public. Wastewater constituents and characteristics will not be recognized as confidential information.

Information accepted by THTMA or Hunker Borough as confidential, shall not be transmitted to any governmental agency or to the general public by THTMA until and unless a 10-day notification is given to the user.

(Ord. 46, 11/6/1997, §4)

#### **§18-105. Administrative Enforcement Remedies.**

1. *Enforcement Policy.* All violations of pretreatment standards and requirements are instances of noncompliance and will receive a specific enforcement response in accordance with THTMA Control Authority Enforcement Response Plan. Pretreatment standards and requirements are a matter of strict liability. Hence, good faith or lack of negligence on the user's part is no defense to a violation of pretreatment standards and/or requirements. The enforcement responses shall range from notices of violation to formal civil litigation and/or termination of service, depending upon the severity of the violation. While similar violations will receive similar enforcement responses, some inherent discretion exists within each enforcement response selection. For example, some violations will trigger either an administrative action, formal civil litigation, or permit revocation. Selection of the specific enforcement response option shall be at the sole discretion of Hunker Borough or THTMA.

When making determinations regarding the level of enforcement, Hunker Borough or THTMA shall take into consideration the following:



- A. Damage to air, water, land or other natural resources and their uses.
  - B. Costs of restoration and abatement.
  - C. Savings to the user as a result of the violation.
  - D. History of past violations by the user.
  - E. Deterrence of future violations.
  - F. Other relevant factors as determined by the control authority.
2. A. *Emergency Authority.* Hunker Borough or THTMA may suspend the wastewater treatment service and/or a pretreatment permit when such suspension is necessary, in the opinion of THTMA, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment causes pass through or interference to the POTW or causes THTMA to violate any condition of its NPDES permit or any other Federal or State permit or regulation.

Any person notified of a suspension of the wastewater treatment service and/or pretreatment permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, THTMA shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals or the environment. THTMA shall reinstate the pretreatment permit and/or the wastewater treatment service upon proof of the elimination of the noncomplying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to THTMA within 5 days of the date of occurrence.

B. *Enforcement Procedures.* For violations not requiring Hunker Borough or THTMA to invoke its emergency authority, the following procedures shall apply:

(1) *Notice of Violation.* Whenever Hunker Borough or THTMA finds that a user has violated or is violating this Part, pretreatment permit, or any prohibition, limitation, or requirements contained herein, Hunker Borough or THTMA shall serve upon such person a written notice stating the nature of the violation(s), which may include the assessment of a civil penalty, and require a written response from the user. As required by the Publicly-Owned Treatment Works Penalty Law, such notice shall include the name, address, and telephone number of the Control Authority Manager or other person responsible for accepting appeals. Within 30 days of the date of the notice of violation, a plan for the satisfactory correction thereof shall be submitted to Hunker Borough and THTMA by the user.

(2) *Compliance Schedule.* When Hunker Borough or THTMA finds that a user is in violation of this Part, pretreatment permit, or requirements contained herein, Hunker Borough or THTMA may require the user to submit or may itself issue a schedule of compliance for the necessary correction.

(a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the pretreatment permit requirements (e.g., hiring an

engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(b) No increment referred to in subparagraph (1) shall exceed 9 months.

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

(3) *Consent Order.* Hunker Borough or the Manager of THTMA is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the user responsible for the noncompliance. Such consent orders shall include a specific action to be taken by the user to correct the noncompliance within a time period also specified in the consent order. Consent orders shall have the same force and effect as administrative orders issued pursuant to this Section.

(4) *Compliance Order.* When Hunker Borough or the Manager of THTMA finds that a user has violated or continues to violate this Part pretreatment permit, or order issued thereunder, Hunker Borough or the Manager of THTMA may issue an order to the user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

(5) *Show Cause Order.* Hunker Borough or THTMA may order any user who causes or allows a discharge of sewer, industrial waste, or other waste into the POTW in violation of the provisions, requirements, or Pretreatment Standards of this Part or the rules and regulations of the Department of Environmental Protection or the Environmental Protection Agency to show cause before THTMA why the proposed assessment of penalty and/or enforcement action should not be taken. A notice shall be served upon the user specifying the time and place of a hearing to be held by THTMA regarding the alleged violation, setting forth the specific facts and circumstances upon which the proposed enforcement action is to be taken, and directing the user to show cause before THTMA as to why the proposed assessment of penalty and/or enforcement actions should not be taken.

The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) upon the user, not less than 20 days prior to the hearing. Such notice shall contain the name, address and telephone number of the Control Authority Manager or other person responsi-

ble for accepting appeals. Within 15 days from the date of service of the notice, the user shall file with the Manager of THTMA a verified answer responding to the allegations in the notice. Allegations in the notice which are not specifically denied shall be deemed to have been admitted. Failure to file an answer or to specifically deny the allegations of the notice shall constitute a sufficient basis for the entry of a default adjudication upon expiration of said 15 days.

THTMA may itself conduct the hearing and take the evidence, or may designate any of its members or any officer or the Manager to:

- (a) Issue in the name of THTMA notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
- (b) Take the evidence.
- (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to THTMA for action thereon.

At any hearing held pursuant to this Part, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public of any party to the hearing upon payment of the usual charges thereof.

After the Borough Council and THTMA has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued including but not limited to injunctive relief and civil penalties.

(6) *Cease and Desist Order.* Whenever Hunker Borough or THTMA finds that a user has violated or is violating this Part, pretreatment permit, or any prohibition, limitation or requirements contained herein, Hunker Borough or THTMA shall issue an order to cease and desist all such violations and direct those persons in noncompliance to:

- (a) Comply forthwith.
- (b) Take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge. As required by the Publicly-Owned Treatment Works Penalty Law, such notice shall include the name, address, and telephone number of the Control Authority Manager or other person responsible for accepting appeals.

3. *Civil Proceedings.* If any person discharges sewage, industrial waste, or other wastes into the wastewater disposal system of THTMA in violation of the provisions, requirements, or pretreatment standards of this Part, the rules and regulations of the Pennsylvania Department of Environmental Protection, or the Environmental Protection Agency which presents an imminent danger or substantial harm to the

POTW or the public, an imminent or substantial endangerment to the environment, causes the POTW to violate any condition of its NPDES permit, or has shown a lack of ability or intention to comply with said pretreatment provisions, requirements, or standards, any other order of THTMA or Hunker Borough, or its other enforcement procedures would not be adequate to effect prompt correction of the condition or violations, THTMA or Hunker Borough may institute an action to obtain injunctive relief in the Court of Common Pleas of Westmoreland County, where the activity has taken place, where the condition exists, or where the public is affected.

4. *Criminal Proceedings.* Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Part or pretreatment permit, or who falsified, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part, will be prosecuted to the extent permitted by law under the Crimes Code, 18 Pa.C.S.A. §101 *et seq.*

5. *Revocation of Permit.* Any user who violates the following conditions of this Part or applicable State and Federal regulations, is subject to having its pretreatment permit revoked.

A. Failure of a user to factually report the wastewater constituents and characteristics of its discharge.

B. Failure of the user to report significant changes in operations, or wastewater constituents and characteristics.

C. Refusal of reasonable access to the user's premises for the purpose of inspection and/or monitoring.

D. Violation of conditions of the pretreatment permit.

If pretreatment permit is revoked, the control authority may take steps it deems advisable, including severance of the sewer connection, to promote compliance with this Part.

6. *Appeals.* The user shall have such right of appeal to the Court of Common Pleas having jurisdiction as is provided for under §7(b) of the Publicly-Owned Treatment Works Penalty Law, the Local Agency Law, 2 Pa.C.S.A. §101 *et seq.*, or Judicial Code, 42 Pa.C.S.A. §762.

(*Ord. 46, 11/6/1997, §5*)

#### **§18-106. Penalty.**

1. *Civil Penalties.* Any user who is found to have violated the provisions, requirements, or pretreatment standards of this Part, the rules and regulations of the Pennsylvania Department of Environmental Protection or the Environmental Protection Agency, an order, rule, regulation, or permit of THTMA or Hunker Borough, whether or not the violation is willful or negligent, may be assessed a civil penalty in an amount not to exceed \$25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense. THTMA or Hunker Borough may recover its costs for reestablishing the operating of the POTW, in addition to any civil penalty imposed hereunder. In addition, THTMA or Hunker Borough may recover attorneys' fees, all court costs, and all other expenses of litigation to the extent permitted by law.

2. *Civil Penalty Assessment Policy.* This Section constitutes the civil penalty assessment policy required by the Publicly-Owned Treatment Works Penalty Law (herein “Penalty Law”) Act No. 9 of 1992, 35 P.S. §752.1 *et seq.* When making determinations of the level of enforcement, Hunker Borough and/or THTMA shall take into consideration the following:

- A. Damage to air, water, land, or other natural resources and their uses.
- B. Costs of restoration and abatement.
- C. Savings to the user as a result of the violation.
- D. History of past violations.
- E. Deterrence of future violations.
- F. Other relevant factors as determined by Hunker Borough and/or THTMA.

A user must usually spend money to comply with pretreatment standards and requirements. The user makes initial capital expenditures for pretreatment, equipment or process changes and incurs subsequent operation, maintenance, and repair costs annually. By delaying or avoiding these costs, the user realizes an economic advantage or benefit over a competitor which complied with pretreatment requirements in a timely manner. Thus the “economic benefit” of noncompliance is defined as the difference between the cost of on-time compliance and delayed compliance. Economic benefits realized by the user which fails to comply by a required deadline can be measured by:

- A. The money that the user would expect to earn by delaying the purchase of pretreatment equipment or implementation of process changes and investing the money in more profitable projects.
- B. The annual costs that the user avoids, and the expected return on avoided costs, during the period of noncompliance.
- C. Any competitive advantage the user may gain, such as increased market share over competitors already in compliance, because of cost advantages attributed to delayed compliance.

In this Part, the economic benefit calculation is focused on the first two benefits. The *Guidance Manual for POTW's to Calculate the Economic Benefit of Noncompliance*, U.S. Environmental Protection Agency, September 5, 1990, may be applied in calculating the penalty.

Consideration of the gravity and length of a violation is important when determining the penalty amount. Removing the economic benefit or noncompliance only places the violation user in the position it would have been had it complied on time. Both deterrence and fundamental fairness require that the civil penalty include an additional amount to ensure that noncompliance is more costly than compliance, and Hunker Borough and/or THTMA's policy will be to include such an amount.

- A. *Recovering for Damages to Public Facilities and/or Natural Resources.*

(1) Failure to comply with pretreatment standards and requirements may cause damage to the collection system of Hunker Borough or THTMA. Damage may also be caused to the natural environment. Therefore, an additional purpose of penalties in pretreatment enforcement shall be to recover for such damages. Specifically, Hunker Borough or THTMA may determine to require that a violating user pay reparations for any damages caused to the collection

system by improper disposal of pollutants. Such a user may also be required to pay for replacement of equipment, facilities, and/or other damaged processes at the POTW caused by pollutant interference.

(2) Pollutants which pass through or interfere with POTW processes may cause damage to natural systems in receiving waters. In addition to assessing penalties to recover for such damages, Hunker Borough or THTMA may consider requiring mitigation and remediation programs.

(3) Hunker Borough and/or THTMA will consider assessing higher penalties for violations resulting in actual or potential harm to the environment. Such potential environmental harm occurs whenever a user discharges a pollutant into the sewer system that:

(a) Passes through the POTW inadequately treated and causes a violation of the POTW's National Pollutant Discharge Elimination System (NPDES) permit (including water quality standards).

(b) Has a potentially toxic effect on the receiving waters (e.g., a fish kill).

B. *Cost of Restoration and Abatement.* Some violations may have negative impacts on the POTW itself. For example, such violations may result in significant increases in treatment costs, interference, harm POTW personnel, equipment, processes, or operations, or cause sludge contamination, resulting in increased disposal costs. When a user's noncompliance harms the POTW, Hunker Borough or THTMA will assess a larger penalty.

C. *Savings to the User as a Result of Violation.* A user which fails to comply with Pretreatment Standards and requirements in a timely manner may accrue a significant economic benefit. A penalty assessed against the violator will be fixed at a level to at least negate this economic benefit and make it unprofitable for the user to ignore or violate pretreatment requirements. These requirements include installation of pretreatment equipment, one-time expenditures (e.g., land), and operation and maintenance (O & M) or other annual costs. The economic benefit calculation described in this Part will be applied to any or all types of pollution control costs.

D. *History of Past Violation.*

(1) Hunker Borough or THTMA will consider each violation in assessing the significance of user noncompliance. Violations of sewage effluent limitations will be considered a violation for each day of the averaging period. Therefore, a monthly average violation will be counted as 30 days of violation, and weekly average violation as 7 days of violation, and a 4-day average should be counted as four violations. Violations of different parameters at the same discharge point or outfall are counted separately, and violations at different discharge points or outfalls or indirect discharges are counted separately. The amount of the penalty will be increased as the number of violations increases. However, as provided in the penalty law, a single operational upset shall only be considered as one violation, even though it may result in simultaneous violations of more than one pretreatment standard.

(2) Hunker Borough or THTMA shall consider increasing penalty amounts for continuing, long-term violations. Generally, a long-term violation

is one that continues for three or more consecutive months. In addition, penalties will be higher for violations that have continued for 3 years than for violations that have only occurred for 6 months.

(3) Significant non-effluent violations will be considered in assessing penalties. Violations included in this category include failure to report, late reporting, schedule violations, failure to implement an approved pretreatment program, laboratory analysis deficiencies, unauthorized discharge, operation and maintenance (O & M) deficiencies, and sludge handling violations.

(4) Hunker Borough or THTMA will consider increasing the penalty amount when the violating user appears to be acting in “bad faith” (e.g., by not cooperating with Hunker Borough or THTMA in effecting a timely correction of the violation); when the user experiences unjustified delays in preventing, correcting, or mitigating violation; when the user has already violated prior administrative orders, compliance agreements, or consent decrees; or when the user fails to provide timely and full information. This recalcitrance factor also may be increased during negotiation if the user continues to resist efforts to settle.

(5) When a user demonstrates that it is unable to pay a settlement penalty, Hunker Borough or THTMA will independently evaluate the user's ability to pay. When it is determined that the user cannot afford to pay the penalty or that payment of all or part of the penalty will preclude the violator from achieving compliance, Hunker Borough or THTMA may consider other options. For example, Hunker Borough or THTMA may consider an installment payment plan with the user paying interest. Only as a last recourse Hunker Borough or THTMA may consider reducing the penalty amount if the user's behavior has been exceptionally culpable, recalcitrant, or threatening to human health and the environment, inability to pay will be disregarded.

*E. Deterrence of Future Violations.*

(1) A user shall install the appropriate pollution control equipment to comply with applicable pretreatment regulations, maintaining compliance required continuing O & M and other annual expenditures. For users which fail to comply with pretreatment requirements, Hunker Borough or THTMA will set its penalties at a level to remove, at a minimum, the economic benefit from avoided annual costs during its period of violations. Hunker Borough or THTMA hereby determines that assessing a penalty which as a minimum, eliminates the economic benefit of noncompliance (or makes noncompliance more expensive than compliance) will encourage users to remain in compliance.

(2) The intent of these penalties is to deter noncompliance so that pollutant discharges by a user do not have significant negative impacts of the POTW, collection system, or receiving waters. Hunker Borough or THTMA's policy will be not to assess a penalty that is too small (e.g., less than the economic benefit of noncomplying), so that the violating user and other users may determine that noncompliance is more expensive than compliance.

(3) The EPA or DEP can take enforcement action against a user violating the Clean Water Act, including Federal pretreatment standards and regula-

tions. Citizens or citizen groups can also bring civil suits against a user for violating environmental regulations. If the violating user has been sued by the EPA, State regulatory agency, or citizens or citizen groups, and penalties were imposed upon the user from these actions, Hunker Borough or THTMA may consider reducing the penalty by an amount equal to that which the user already paid for the same violation.

3. *Other Relevant Factors.*

A. In order to treat all users fairly and equitably, Hunker Borough or THTMA will use its best efforts to assess penalties using a consistent methodology. Thus, it will avoid allowing one user to realize an economic benefit from noncompliance which would potentially enable it to gain an economic advantage over the complying users. By assessing a penalty based on economic benefit, Hunker Borough or THTMA will strive to eliminate or remove any financial advantage the violator gains.

B. By exercising a consistent penalty methodology, Hunker Borough or THTMA ensure that all violators are treated equitably. While the amount of the penalty may vary from case to case, the methods used to develop the penalty will be consistent.

4. *EPA Policy Followed.*

A. Hunker Borough or THTMA will take into account the policies of EPA in setting penalties. EPA defines “significant noncompliance,” in its revisions to the General Pretreatment Regulations (40 CFR §403.8(f)(2)(vii)) as violations which meet one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all the measurements taken during a 6-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter.

(2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements for each pollutant parameter taken during a 6-month period exceed the daily maximum limit or the same limit by more than the TRC value in a 6-month period (TRC = 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH).

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that Hunker Borough or THTMA determines has caused, alone or in combination with other dischargers, interferences or pass through (including endangering the health of POTW personnel or the general public).

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f)(1)(vi)(B) to halt or prevent such a discharge.

(5) Failure to meet, within 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 attaining final compliance.



(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which Hunker Borough or THTMA determines will adversely affect the operation or implementation of the local pretreatment program.

Violation of the pretreatment standards and requirements which constitute significant noncompliance are considered to be the most serious violation and require a strong and immediate response. Assessment of civil penalties may occur for significant noncompliance.

In addition to assessing appropriate penalties commensurate with the factors listed above, Hunker Borough or THTMA shall consider assessing larger penalties in cases of repeat violations, including all violations of permit effluent limitations, monitoring and reporting requirements, and other standard and special discharge conditions. This consideration produces flexibility in assessing penalties for multiple violations.

5. *Criminal Penalties.* Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or pretreatment permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part shall upon conviction be punished by a fine of not more than \$1,000 or by imprisonment for not more than 30 days, or by both. Each occurrence shall be a separate offense. This Section shall not preclude prosecution under the Pennsylvania Crimes Code, 18 Pa.C.S.A. §101 *et seq.*

6. *Remedies Cumulative and Concurrent.* The remedies provided for in this Part are intended to be concurrent and cumulative, and the provisions of Part shall not abridge or alter any right of action or remedy, now or hereafter existing in law, or under the common law or statutory law, criminal or civil, available to Hunker Borough or THTMA.

7. *Penalty Appeals.* The industrial user charged with the penalty shall have 30 days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty, or the fact of the violation, the industrial user must file an appeal of the action pursuant to the municipal law or home rule charter or, in the absence of either of these, within 30 days, pursuant to 2 Pa.C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or amount of the penalty.

(Ord. 46, 11/6/1997, §6)

**§18-107. Industrial Sewer Connection Application.**

To the Hempfield Township Municipal Authority \_\_\_\_\_ the  
\_\_\_\_\_  
Undersigned being the \_\_\_\_\_ of the property located  
at \_\_\_\_\_ does  
hereby request a permit to \_\_\_\_\_ an industrial sewer connection serving  
\_\_\_\_\_ which  
company is engaged in \_\_\_\_\_

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\_\_\_\_\_ at said location.

1. A plan to the property showing accurately all sewers and drains now existing is attached hereunto as Exhibit "A."<sup>1</sup>
2. Plans and specification covering any work proposed to be performed under this permit is attached hereunto as Exhibit "B."<sup>2</sup>
3. A complete schedule of all process waters and industrial wastes produced or expected to be produced at said property, including a description of the character of each waste, the daily volume and maximum rates of discharge, representative analyses, and compliance with any applicable Pretreatment Standard of Requirements, is attached hereunto as Exhibit "C."<sup>3</sup>
4. The name and address of the person or firm who will perform the work covered by this permit is \_\_\_\_\_

In consideration of the granting of this permit the undersigned agrees:

1. To furnish any additional information relating to the installation or use of the industrial sewer for which this permit is sought as may be requested by the Hempfield Township Municipal Authority.
2. To accept and abide by all provisions of Ordinance No. \_\_\_ of Hunker Borough, and of all other pertinent ordinances or regulations that may be adopted in the future.
3. To operate and maintain any waste pretreatment facilities, as may be required as a condition of the acceptance into the wastewater treatment system of the industrial wastes involved, in an efficient manner at all times, and at no expense to Hunker Borough or the Hempfield Municipal Authority.
4. To cooperate at all times with Hunker Borough and the Hempfield Township Municipal Authority and their representatives in their inspecting, sampling, and study of the industrial wastes, and any facilities provided for pretreatment.
5. To notify the Hempfield Township Municipal Authority immediately in the event of any accident, or other occurrence that occasions contributor to the wastewater treatment system of any wastewater or substances prohibited or not covered by this permit.

(*Ord. 46, 11/6/1997, §9*)

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<sup>1</sup>Editor's Note: Exhibit "A" attached to the original of *Ord. 46, 11/6/1997*, is on file in the Borough office.

<sup>2</sup>Editor's Note: Exhibit "B" attached to the original of *Ord. 46, 11/6/1997*, is on file in the Borough office.

<sup>3</sup>Editor's Note: Exhibit "C" attached to the original of *Ord. 46, 11/6/1997*, is on file in the Borough office.

**Part 2****Headworks Industrial Allowance****§18-201. Parameter.**

Be it ordained by the Borough Council for the Borough of Hunker, Westmoreland County, Pennsylvania that the Headworks Industrial Allowance, deemed acceptable by EPA by letter dated August 8, 2006 including the following parameter, be adopted to replace the Headworks Industrial Allowance approved by EPA by letter dated December 24, 2002.

<b>Parameter</b>	
	<b>Recommended Local Limits Based on MAHL lb/d</b>
Arsenic	1.0747
Cadmium	0.1652
Chromium	10.7608
Copper	0.9728
Lead	1.2518
Mercury	0.0133
Nickel	5.0365
Zinc	3.8957
Cyanide	0.7044
Silver	1.6847
Selenium	0.4338
Fluoride	4268
Chloroform	4.3257
Fluoranthene	1.8090
Phenanthrene	0.0553

The recommended local limits based on maximum allowable headworks loading are shown above.

Maximum allowable headworks loadings for the conventional pollutants CB OD, TSS, and NH<sub>3</sub>-N are equal to the design loadings approved by PADEP for the expanded plant as follows:

- A. CBOD = 11,330 lb/day
- B. TSS = 9,760 lb/day
- C.  $\text{NB}_3\text{-N}$  = 1,317 lb/day

These limits must be compared with any categorical standards imposed on the industries and the more stringent value selected. The allowable loadings will be allocated to the industrial users based on flow rate, and historical discharge levels.

*(Ord. 2007-1, 5/3/2007)*