

- (9) Noxious or malodorous liquids, gases, solids or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life or to prevent entry into the sewers for maintenance or repair.
  - (10) Wastewater which imparts color which cannot be removed by the treatment process, such as but not limited to dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Bristol Township Authority's NPDES permit.
  - (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable state or federal regulations.
  - (12) Stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drainage and deionized water.
  - (13) Sludges, screenings or other residues from the pretreatment of industrial wastes.
  - (14) Medical wastes.
  - (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
  - (16) Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
  - (17) Fats, oils or greases of animal or vegetable origin in concentrations greater than 97 mg/l.
  - (18) Wastewater causing two readings on an explosion hazard meter, at the point of discharge into the POTW or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter.
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- (19) Wastewater containing any material which is defined as hazardous waste under 40 CFR Part 261.

C. Pollutants, substances or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

#### **§ 160-45. National Categorical Pretreatment Standards.**

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405 to 471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Superintendent may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Superintendent shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by the EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

**§ 160-46. Local limits.**

- A. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following: [Amended 12-12-1997 by Ord. No. 97-16]

Pollutants	Maximum Concentration (mg/l)
Arsenic (I)	2.30
Cadmium (T)	0.10
Chromium (I)	1.80
Copper (T)	0.51
Lead (T)	0.43
Mercury (I)	0.003
Nickel (I)	0.51
Silver (T)	0.14
Zinc (T)	2.90
Cyanide (T)	2.30
Phenols (T)	1.83
Ammonia as N (NH <sub>3</sub> -N)	69.0
Fats, oils and grease	107.0
Biochemical oxygen demand (BOD <sub>5</sub> )	775.0
Total suspended solids (TSS)	1054.0
Chemical oxygen demand (COD)	1550.0
Sulfate as SO <sub>4</sub>	360.0

- B. The above limits apply at the point where the wastewater is discharged to the POTW. All concentration for metallic substances are for total metal unless indicated otherwise. The Superintendent may impose mass limitations in addition to or in place of the concentration-based limitations above.

**§ 160-47. Bristol Township Authority's right of revision.**

The Bristol Township Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

**§ 160-48. Dilution.**

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

**§ 160-49. Pretreatment facilities.**

Users shall provide wastewater treatment as necessary to comply with this article and shall achieve compliance with all categorical pretreatment standards, local limits and the prohibitions set out in § 160-44 of this article within the time limitations specified by the EPA, the state or the Superintendent, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Bristol Township Authority for review and shall be acceptable to them before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Bristol Township Authority under the provisions of this article.

**§ 160-50. Additional pretreatment measures.**

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

- D Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

**§ 160-51. Accidental discharge/slug control plans.**

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

- A. A description of discharge practices, including nonroutine batch discharges.
- B. A description of stored chemicals.
- C. Procedures for immediately notifying the Superintendent of any accidental or slug discharge, as required by § 160-70 of this article
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response

**§ 160-52. Wastewater analysis.**

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

**§ 160-53. Wastewater discharge permit required.**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit.
- B. The Superintendent may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this article.
- C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this article and subjects the wastewater discharge permittee to the sanctions set out in §§ 160-70.11 through 160-70.25 of this article. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all federal and state pretreatment standards or requirements or with any other requirements of federal, state and local law.

**§ 160-54. Time to obtain permit.**

Any user required to obtain a wastewater discharge permit who proposes to begin or continue discharging into the POTW must obtain such permit prior to the beginning or continuing of such discharge. An application for this wastewater discharge permit, in accordance with § 160-55 of this article, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

**§ 160-55. Wastewater discharge permit application contents.**

A. All users required to obtain a wastewater discharge permit must submit a permit application. The Superintendent may require all users to submit as part of an application the following information:

- (1) All information required by § 160-65B of this article.
- (2) A description of activities, facilities and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.
- (3) The number and type of employees, hours of operation and proposed or actual hours of operation.
- (4) Each product produced by type, amount, process or processes and rate of production.
- (5) The type and amount of raw materials processed (average and maximum per day).
- (6) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains and appurtenances by size, location and elevation and all points of discharge.
- (7) The time and duration of discharges.
- (8) Any other information as may be deemed necessary by the Superintendent to evaluate the wastewater discharge permit application.

B. Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

**§ 160-56. Application signatories and certification.**

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

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

**§ 160-57. Wastewater discharge permit decisions.**

The Superintendent will evaluate the data furnished by the user and may require additional information. Within 30 days of receipt of a complete wastewater discharge permit application, the Superintendent will determine whether or not to issue a wastewater discharge permit. The Superintendent may deny any application for a wastewater discharge permit.

**§ 160-58. Wastewater discharge permit duration.**

A wastewater discharge permit may be issued for a period of one year but not more than five years at the discretion of the Superintendent. Each wastewater discharge permit will indicate a specific date upon which it will expire.

**§ 160-59. Wastewater discharge permit contents.**

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

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**A. Wastewater discharge permits must contain:**

- (1) A statement that indicates the wastewater discharge permit's duration, which in no event shall exceed five years
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Bristol Township Authority in accordance with § 160-62 of this article and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (3) Effluent limits based on applicable pretreatment standards.
- (4) Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on federal, state and local law.
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule. Such schedule

may not extend the time for compliance beyond that required by applicable federal, state or local law.

- B Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (1) Limits on the average and/or maximum rate of discharge, time of discharge and/or requirements for flow regulation and equalization.
  - (2) Requirements for the installation of pretreatment technology, pollution control or the construction of appropriate containment devices designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
  - (3) Requirements for the development and implementation of spill control plans or other special conditions, including management practices necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
  - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
  - (5) Requirements for the installation and maintenance of inspection and sampling facilities and equipment.
  - (6) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the term of the wastewater discharge permit.
  - (7) Other conditions as deemed appropriate by the Superintendent to ensure compliance with this article and state and federal laws, rules and regulations

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**§ 160-60. Wastewater discharge permit appeals.**

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

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Bristol Township Authority fails to act within 30 days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit or not to modify a

wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of Bucks County within 30 days.

**§ 160-61. Wastewater discharge permit modification.**

The Bristol Township Authority may modify a wastewater discharge permit for good cause, including but not limited to the following reasons:

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

**§ 160-62. Wastewater discharge permit transfer.**

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



- B. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

**§ 160-63. Wastewater discharge permit revocation.**

- A. The Superintendent may revoke a wastewater discharge permit for good cause, including but not limited to the following reasons:

- (1) Failure to notify the Superintendent of significant changes to the wastewater prior to the changed discharge.
  - (2) Failure to provide prior notification to the Superintendent of changed conditions pursuant to § 160-69 of this article.
  - (3) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
  - (4) Falsifying self-monitoring reports.
  - (5) Tampering with monitoring equipment.
  - (6) Refusing to allow the Superintendent timely access to the facility premises and records.
  - (7) Failure to meet effluent limitations.
  - (8) Failure to pay fines.
  - (9) Failure to pay sewer charges.
  - (10) Failure to meet compliance schedules.
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- (11) Failure to complete a wastewater survey or the wastewater discharge permit application.
  - (12) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
  - (13) Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this article.

- B. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

**§ 160-64. Wastewater discharge permit reissuance.**

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit.

**§ 160-65. Baseline monitoring reports.**

- A. Within either 180 days after the effective date of a Categorical Pretreatment Standard or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the Superintendent a report which contains the information listed in Subsection B below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subsequent to the promulgation of an applicable categorical standard shall submit to the Superintendent a report which contains the information listed in Subsection B below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
- (1) Identifying information. The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental permits. A list of any environmental control permits held by or for the facility.
  - (3) Description of operations. A brief description of the nature, average rate of production and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (4) Flow measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).
  - (5) Measurement of pollutants.
    - (a) The categorical pretreatment standards applicable to each regulated process.
    - (b) The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the standard or by the Superintendent, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 160-70.3 of this article.
    - (c) Sampling must be performed in accordance with procedures set out in § 160-70.4 of this article.
  - (6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and

maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

- (7) Compliance schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in § 160-66 of this article.
- (8) Signature and certification. All baseline monitoring reports must be signed and certified in accordance with § 160-56 of this article.

**§ 160-66. Compliance schedule progress reports.**

The following conditions shall apply to the compliance schedule required by § 160-65B(7) of this article:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine months.
- C. The user shall submit a progress report to the Superintendent no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay and, if appropriate, the steps being taken by the user to return to the established schedule.
- D. In no event shall more than nine months elapse between such progress reports to the Superintendent.

**§ 160-67. Reports on compliance with categorical pretreatment standard deadline.**

Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the Superintendent a report containing the information described in § 160-65B(4), (5) and (6) of this article. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with § 160-56 of this article.

**§ 160-68. Periodic compliance reports.**

- A. All significant industrial users shall, at a frequency determined by the Superintendent but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with § 160-56 of this article.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Superintendent, using the procedures prescribed in § 160-70.4 of this article, the results of this monitoring shall be included in the report.

**§ 160-69. Reports of changed conditions.**

Each user must notify the Superintendent of any planned significant changes to the user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.

- A. The Superintendent may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under § 160-55 of this article.
- B. The Superintendent may issue a wastewater discharge permit under § 160-57 of this article or modify an existing wastewater discharge permit under § 160-61 of this article in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of 20% or greater and the discharge of any previously unreported pollutants.

**§ 160-70. Reports of potential problems.**

- A. In the case of any discharge, including but not limited to accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Superintendent of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.
- B. Within five days following such discharge, the user shall, unless waived by the Superintendent, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability.

which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties or other liability which may be imposed pursuant to this article.

- C A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection A above. Employers shall ensure that all employees who may cause such a discharge to occur are advised of the emergency notification procedure.

**§ 160-70.1. Reports from unpermitted users.**

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

**§ 160-70.2. Notice of violation; repeat sampling and reporting.**

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

**§ 160-70.3. Analytical requirements.**

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

**§ 160-70.4. Sample collection.**

- A. Except as indicated in Subsection B below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event that flow proportional sampling is unfeasible, the Superintendent may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

**§ 160-70.5. Timing.**

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

**§ 160-70.6. Recordkeeping.**

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

**§ 160-70.7. Right of entry; inspection and sampling.**

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

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Superintendent will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The Superintendent shall have the right to set up on the user's property, or require the installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. The Superintendent may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and properly operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Superintendent and shall not be replaced. The costs of clearing such access shall be born by the user.

- E Unreasonable delays in allowing the Superintendent access to the user's premises shall be a violation of this article.

**§ 160-70.8. Search warrants.**

If the Superintendent has been refused access to a building, structure or property or any part thereof and is able to demonstrate structure or property or any part thereof and is able to demonstrate probable cause to believe that there may be a violation of this article, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Bristol Township Authority designed to verify compliance with this article or any permit or order issued hereunder or to protect the overall public health, safety and welfare of the community, then the Superintendent may seek issuance of a search warrant from the Court of Common Pleas of Bucks County.

**§ 160-70.9. Confidential information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from the Superintendent's inspection and sampling activities shall be available to the public without restriction, unless the user specifically requests and is able to demonstrate to the satisfaction of the Superintendent that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable state law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program and in enforcement proceedings involving the person furnishing the report. ~~Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.~~

**§ 160-70.10. Publication of users in significant noncompliance.**

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

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a six-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a six-month period equals or exceeds the product of the daily maximum limit or the average limit

multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

- C. Any other discharge violation that the Superintendent believes has caused, alone or in combination with other discharges, interference or pass-through, including endangering the health of POTW personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment or has resulted in the Superintendent's exercise of his emergency authority to halt or prevent such a discharge
- E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction or attaining final compliance
- F. Failure to provide, within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Pretreatment Standard deadlines, periodic self-monitoring reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation(s) which the Superintendent determines will adversely affect the operation or implementation of the local pretreatment program.

#### **§ 160-70.11. Notification of violation.**

When the Superintendent finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may serve upon that user a written notice of violation. Within 20 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Superintendent. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this section shall limit the authority of the Superintendent to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

#### **§ 160-70.12. Consent orders.**

The Superintendent may enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§ 160-70.14 and 160-70.15 of this article and shall be judicially enforceable.



**§ 160-70.13. Show-cause hearing.**

The Superintendent may order a user which has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement to appear before the Superintendent and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show-cause hearing shall not be a bar against or prerequisite for taking any other action against the user.

**§ 160-70.14. Compliance orders.**

When the Superintendent finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against or a prerequisite for taking any other action against the user.

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**§ 160-70.15. Cease-and-desist orders.**

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

**§ 160-70.16. Administrative fines.**

- A. When the Superintendent finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may fine such user in an amount not to exceed \$1,000. Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.
- B. Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 10% of the unpaid balance, and interest shall accrue thereafter at a rate of 1% per month. A lien against the user's property will be sought for unpaid charges, fines and penalties
- C. Users desiring to dispute such fines must file a written request for the Superintendent to reconsider the fine along with full payment of the fine amount within 20 days of being notified of the fine. Where a request has merit, the Superintendent may convene a hearing on the matter. In the event that the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Superintendent may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine and also deduct said costs from fine payments to be returned as a result of successful appeal
- D. Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the user.

**§ 160-70.17. Emergency suspensions.**

- A. The Superintendent may immediately suspend a user's discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Superintendent may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW or which presents or may present an endangerment to the environment
  - (1) Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Superintendent may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or its receiving stream or endangerment to any individuals. The Superintendent may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Superintendent that the period of endangerment has passed, unless the termination proceedings in § 160-70.18 of this article are initiated against the user.
  - (2) A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future

occurrences, to the Superintendent prior to the date of any show-cause or termination hearing under § 160-70.13 or 160-70.18 of this article.

- B. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

**§ 160-70.18. Termination of discharge.**

- A. In addition to the provisions in § 160-63 of this article, any user who violates the following conditions is subject to discharge termination:
- (1) Violation of wastewater discharge permit conditions.
  - (2) Failure to accurately report the wastewater constituents and characteristics of its discharge.
  - (3) Failure to report significant changes in operations or wastewater volume, constituents and characteristics prior to discharge.
  - (4) Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
  - (5) Violation of the pretreatment standards in §§ 160-44 through 160-48 of this article
- B. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under § 160-70.13 of this article why the proposed action should not be taken. Exercise of this option by the Superintendent shall not be a bar to or a prerequisite for taking any other action against the user.

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**§ 160-70.19. Injunctive relief.**

When the Superintendent finds that a user has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, the Superintendent may petition the Court of Common Pleas of Bucks County, through the Bristol Township Authority's attorney, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order or other requirement imposed by this article on activities of the user. The Superintendent may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against or a prerequisite for taking any other action against a user.

**§ 160-70.20. Civil penalties.**

- A. A user who has violated or continues to violate any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall be liable to the Bristol Township Authority for a maximum civil penalty of \$25,000 per violation, per day. In the case of a monthly or other long-term

average discharge limit, penalties shall accrue for each day during the period of the violation.

- B. The Bristol Township Authority may recover reasonable attorneys' fees, court costs and other expenses associated with enforcement activities, including sampling and monitoring expenses and the cost of any actual damages incurred by the Bristol Township Authority.
- C. In determining the amount of civil liability, the court shall take into account all relevant circumstances, including but not limited to the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.
- D. Filing a suit for civil penalties shall not be a bar against or a prerequisite for taking any other action against a user

**§ 160-70.21. Criminal prosecution; violations and penalties.**

- A. A user who willfully or negligently violates any provision of this article, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement shall, upon conviction, be guilty of a summary offense, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 90 days, or both
- B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a summary offense and be subject to a penalty of at least \$5,000 or be subject to imprisonment for not more than 180 days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under state law.
- C. A user who knowingly makes any false statements, representation or certifications in any application, record, report, plan or other documentation filed or required to be maintained pursuant to this article, a wastewater discharge permit or an order issued hereunder or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than 120 days, or both

**§ 160-70.22. Remedies to be nonexclusive.**

The remedies provided for in this article are not exclusive. The Superintendent may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Bristol Township Authority's Enforcement Response Plan. However, the Superintendent may take other action against any user when the circumstances warrant. Further, the Superintendent is empowered to take more than one enforcement action against any noncompliant user.

**§ 160-70.23. Performance bonds.**

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

**§ 160-70.24. Liability insurance.**

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

**§ 160-70.25. Informant rewards.**

The Bristol Township Authority may pay up to \$100 for information leading to the discovery of noncompliance by a user. In the event that the information provided results in a civil penalty or an administrative fine levied against the user, the Bristol Township authority may disperse up to 5% of the collected fine or penalty to the informant. However, a single reward payment may not exceed \$1,000.

**§ 160-70.26. Variances.**

- A. ~~Notwithstanding the limitations set forth in these regulations, a special variance or amendment may be issued whereby a waste of unusual character or strength may be~~ accepted, when in the opinion of the Bristol Township Authority, unusual or extraordinary circumstances compel special terms or special conditions. As a separate and additional requirement, such variance or amendment will be issued only when, in the opinion of the Superintendent, it would not have any deleterious effect on the system by causing interference with or disruption in the treatment works or violation of NPDES permit or state water quality criteria or standards. In no case shall a discharge be approved which would exceed the limits established by a National Categorical Pretreatment Standard.
- B. A user seeking a variance or amendment shall petition the Bristol Township Authority in writing and provide documentation of the exceptional circumstances which the user believes would justify a variance or amendment. If a variance or amendment is approved by the Bristol Township Authority, the user shall pay a surcharge in addition to the applicable volume charges. Said surcharge shall be established by the Bristol Township Authority for each variance or amendment granted.

**§ 160-70.27. Pretreatment charges and fees.**

The Bristol Township Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the pretreatment program, which may include:

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

**ARTICLE V****Sewer Use Regulations for Lower Bucks County Joint Municipal Authority System**

[Adopted 5-8-1990 by Ord. No. 90-10]

**§ 160-71. Purpose and objectives.**

- A. This article sets forth uniform requirements for direct and indirect Township contributors into the wastewater collection and treatment system of the Lower Bucks County Joint Municipal Authority at the Levittown wastewater treatment facility and to enable the Authority and Township to comply with all applicable state and federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR 403)
- B. The objectives of this article are to:
  - (1) Prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge.
  - (2) Prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.
  - (3) Improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
  - (4) Provide for equitable distribution of the cost for the implementation of the Authority's industrial pretreatment program
- C. This article provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain nonresidential users and through enforcement of general requirements for the other nonresidential users;

# Appendix F

**TABLE OF DELIVERABLES**

#	Consent Decree Paragraph	Submission Deadline	Submittal	Components of Submittal
1	11	180 Days after Entry Date	Plan Of Action (POA)	Information Management System Plan
	12			SCADA System
	13			Pump Station Maintenance Plan
	15			Operation and Maintenance Plan
	16			Interim High Flow Maintenance Plan
	17			Interim Plant Improvement Plan
	18			Sewer System Evaluation Survey (SSES) Workplan
	19			
	19d	24 Months after Lodging Date	SSES Report	
2	20	90 Days after Occurrence	Amended Pump Station Maintenance Plan following SSD at Pump Station	
3	22	90 Days after Lodging	Connection Management Plan (CMP)	
4	25	180 days after approval of POA	Facilities and Alternatives Submission	
5	26	Upon Approval of the Facilities and Alternatives Submission	Capital Improvements Plan (CIP)	
6	26.a.1	6 Months of Approval of Selected Alternative		Facilities audit
7	27	3 Months of Approval of CIP		Request for Proposals
8	28	Consistent with POA and CIP, but Not Later Than January 1, 2012	Permit Applications	NPDES and Water Quality Management
	29	January 15, 2015	Construction Completion	
	30	3 Months after Construction Completion	Start Up and Operation	
	30.b.	6 Months of Start-up		Compliance with NPDES permit requirements
	30.c.	30 days of Construction Completion	Notify Department and EPA	
9	31	January 15, 2012	Collection System Rehabilitation Plan	
	32	January 15, 2015	Collection System Priority Areas Rehabilitation Completion	
10	33	18 Months after Date of Lodging	High Flow Maintenance Plan	
11	38	90 Days after Date of Lodging	Pretreatment Computerized Management System Plan	
12	39	6 Months from Date of Lodging	Local Limits Reevaluation	
	41	Beginning March 31, 2011, and Continuing on the March 31st of Each Calendar Year until Termination of the Consent Decree	Annual Report	