

CHAPTER 18

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PART 1

ADOPTION OF SEWER SYSTEM; SEWER EXTENSIONS; SEWER RENTALS

§18-101. Sewer System Adopted.

The system of sewers, heretofore authorized to be constructed by or in the Borough of Ambler as when completed as a whole or by parts or sections and so certified by the Sewer Engineer for the said Borough, shall constitute a part of the sewer system in the Borough of Ambler.

(Ord. 265, 8/13/1936, §1)

§18-102. Extensions Built by Property Owners.

The Borough Council may at its discretion, upon application in form prescribed by the Public Safety Committee, supervise the construction of any proposed extensions of said system of sewers to be built at the expense of any owner of private property and may take over the same when completed; and all such extensions, when accepted and taken over, shall become part of said system of sewers and shall, thereafter, be subject to the provisions hereby with regard to connections, service rentals, etc.

(Ord. 265, 8/3/1936, §5)

§18-103. Sewer Rentals.

1. Any person (includes any individual, firm, company, association, society, corporation or group) receiving sewage service from the Borough of Ambler so that the sewage of such person flows into the sewage system of the Borough shall pay a sewer rental based upon water usage to such person as indicated by the quarterly water meter reading on the property or premises of such person, as follows:
 - A. A charge of \$6 for each 1,000 gallons of water usage per quarter.
2. In lieu of a rental based upon water meter readings per quarter, any commercial or industrial person or customer may cause his or its sewage rental to be based upon metered sewage flow; provided that said person or customer shall have installed, at his or its sole cost and expense, a sewage flow meter approved and installed with the approval of the Borough as to the type of meter and its specifications, including but not limited to size, and mode of operation. The approved sewage flow meter shall be monitored in accordance with the requirements and regulations of the Borough and subject to inspections by the Borough, from time to time, at the sole discretion of the Borough, to determine that said meter and metering equipment is in good operating order. The cost of any such monitoring and

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inspection shall be borne by the person and customer; and the billings concerning same shall be promptly paid when rendered by the Borough.

3. This Section setting forth sewer rental rates shall not apply to any person or customer receiving sewage service from the Borough for industrial or other type of wastewater, requiring a special agreement as to treatment and sewer rental as set forth in any written agreement between the Borough and any such person or customer.
4. Penalty and Charges.
 - A. If any quarterly sewer rental is not paid within 30 days after the date of the bill, a penalty of 1 1/4% per month shall be added thereto; and if the bill plus the penalty is not paid within the said 30 days after the date of the bill, the aggregate amount thereof shall bear interest from the penalty date at the rate of 1/4 of 1% per month, or fraction thereof. Such interest rate, when annualized, shall not exceed 15% simple interest per year. Any unpaid sewer rent, together with the penalties and interest thereon, to the extent permitted by law, shall be a lien on the property served, which may be collected by action in assumpsit, by distress or by a lien filed in the nature of a municipal claim, as provided by law. In addition, the Borough may require its Water Department to shut off the water supply to any property with respect to which the sewer rent imposed hereby is unpaid until all such rents, together with interest and penalties as aforesaid, are paid.
 - B. In addition to the foregoing penalty and interest sums imposed, if the Borough commences litigation to collect any delinquent sewer rental billing, there shall be added to the amount billed and claimed an attorney's fee of 5% of the total delinquency plus all court costs and other direct costs of the collection.

(Ord. 265, 8/3/1936, §6; as amended by Ord. 733, 12/29/1980, §§1-4; by Ord. 750, 12/21/1981, §1; by Ord. 893, -/1992; by Ord. 939, 12/28/1998, §1; by Ord. 996, 12/19/2005; and by Ord. 1062, 12/20/2011)

§18-104. Duties of Secretary and Treasurer.

It shall be the duty of the Secretary of the Borough Council to provide all the necessary books, records, bills and other forms and stationery and to keep a proper record of all assessments, charges, service rates and rentals and all payments hereunder, whether collectible by the Treasurer or the Solicitor or otherwise. It shall be the duty of the Treasurer and Solicitor to notify the Secretary monthly of all payments received.

(Ord. 265, 8/3/1936, §7)

§18-105. Use of Net Revenue From Sewer Rental Charges.

All assessments and interest thereon, collected by the Treasurer and for the Solicitor hereunder, shall be deposited in the sewer sinking fund as provided by ordinance and shall be applied only to the payment of interest upon and the redemption and payment of Borough sewer bonds. The net revenue from sewer rental charges hereunder, after operating, maintenance and other expenses are deducted, may be paid into the same account and may be likewise applied and used.

(Ord. 265, 8/13/1936, §8; as amended by Ord. 785, 11/21/1983)

§18-106. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

(Ord. 265, 8/3/1936, §9; as amended by Ord. 400, 3/11/1957, §2, by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

PART 2

CONSTRUCTION, CONNECTION AND USE OF SEWERS

A. Construction, Connection and Use.

§18-201. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this Part shall be as follows:

AMMONIA – NITROGEN (NH₃-N) — the quality of nitrogen measurable by the distillation – nesslerization or titration method as described by “Standard Methods for the Examination of Water and Wastewater,” §212 (13th Edition), or any equivalent method authorized by the Borough.

BIOCHEMICAL OXYGEN DEMAND (BOD) — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C, expressed in milligrams per liter.

BOROUGH — the Borough of Ambler, Montgomery County, Pennsylvania.

BUILDING DRAIN — that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — the extension from the building drain to the public sewer or other place of disposal, also called house connection.

COMBINED SEWER — a sewer intended to receive both wastewater and storm or surface water.

EASEMENT — an acquired legal right for the specific use of land owned by others.

EQUIVALENT DWELLING UNIT (EDU) — one single domestic connection. All non-domestic connections shall be assigned an EDU equivalency based on the following identity:

A. 1 EDU = 350 gallons per day

FLOATABLE OIL — oil, fat, or grease in a physical state that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of floatable oil if it is properly pretreated and the wastewater does not interfere with the collection system.

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GARBAGE — the animal and vegetable waste resulting from the handling, preparation, cooking and serving of foods.

INDUSTRIAL WASTES — the wastewater from industrial processes, trade, commerce or business as distinct from domestic or sanitary wastes.

NATURAL OUTLET — any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake or other body of surface or groundwater.

MAY — is permissive (see “shall”)

mg/l — milligram per liter.

PERSON — any individual, firm, company, association, society, corporation or group.

pH — the negative logarithm of the reciprocal of the hydrogen-ion concentration. The concentration is the weight of hydrogen-ions, in grams, per liter of solution. Neutral water, for example, has a pH value of seven and a hydrogen-ion concentration of 10^{-7} .

PHOSPHATE (PO₄) — the quality of ortho, condensed and/or organically bound phosphates measurable by analyses described in §223 of “Standard Methods for the Examination of Water and Wastewater,” 13th Edition, or any equivalent method authorized by the Borough.

POLLUTED WASTEWATER — wherein the groundwater is more than incidental and wherein the groundwater, surface water and stormwater contains contaminants not common to the remainder of the community.

PROPERLY SHREDDED GARBAGE — the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/4 inches (1.27 centimeters) in any dimension.

PUBLIC SAFETY COMMITTEE — the Public Safety Committee of the Borough of Ambler

PUBLIC SEWER — a common sewer controlled by a governmental agency or public utility

SANITARY SEWER — a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions together with minor quantities of ground, storm and surface waters that are not admitted intentionally.

SEWAGE — the spent water of a community. The preferred term is “wastewater.”

SEWER — a pipe or conduit that carries wastewater or drainage water.

SHALL — is mandatory (see “may”).

SLUG — any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during normal operation and/or shall adversely affect the collection system and/or performance of the wastewater treatment works.

STORM DRAIN (sometimes termed STORM SEWER) — a drain or sewer for conveying water, groundwater, subsurface water, or surface water from any source.

SUPERINTENDENT — the Borough Manager supervises wastewater collection facilities of the Borough of Ambler or his authorized deputy, agent or representative.

SUSPENDED SOLIDS — total suspended matter that either floats on the surface of, or is in suspension in, water, wastewater or other liquids, and that is removable by laboratory filtering as prescribed in “Standard Methods for the Examination of Water and Wastewater” and referred to as nonfilterable residue, or an equivalent method authorized by the Authority.

TDS — the quantity of total dissolved solids measurable by the procedures described in §148 A of “Standard Methods for the Examination of Water and Wastewater,” 13th Edition, or an equivalent method authorized by the Borough.

TEN — that quantity of nitrogen measurable by the total Kjeldahl nitrogen test as described in §216 of “Standard Methods for the Examination of Water and Wastewater,” 13th Edition, or any equivalent method authorized by the Borough.

UNPOLLUTED WATER — is water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.

WASTEWATER — the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants and institutions, together with any groundwater, surface water and stormwater that may be present.

WASTEWATER FACILITIES — the structures, equipment, and processes required to collect, carry away and treat domestic and industrial wastes and dispose of the effluent and the residuals.

WASTEWATER TREATMENT WORKS — an arrangement of devices and structures for treating wastewater, industrial wastes, and sludge. Sometimes used and

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synonymous with “waste treatment plant” or “wastewater treatment plant” or “water pollution control plant.”

WATERCOURSE — a natural or artificial channel for the passage of water either continuously or intermittently.

(Ord. 701, 11/9/1978, Art. 1; as amended by Ord. 785, 11/21/1983; and by Ord. 861, 12/17/1990, §1)

§18-202. Use of Public Sewers Required.

1. It shall be unlawful for any person to place, deposit or permit to be deposited in any unsanitary manner on public or private property within the Borough of Am- bler, or in any area under the jurisdiction of said Borough any human or animal excrement, garbage or objectionable waste.
2. It shall be unlawful to discharge to any natural outlet within the Borough of Am- bler, or in any area under the jurisdiction of said Borough, any wastewater or oth- er polluted waters, except where suitable treatment has been provided in accord- ance with subsequent provisions of this Part.
3. The owners of all houses, buildings or properties used for human occupancy, em- ployment, recreation or other purposes, situated within the Borough and abutting on any street, alley or right-of-way in which there is now located or may in the fu- ture be located a public sanitary or combined sewer of the Borough, is hereby re- quired at the owner’s (owners) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer, in accordance with the provisions of this Part within 90 days after date of official notice to do so.

(Ord. 701, 11/9/1978, Art. 2)

§18-203. Building Sewers and Connections; Permits.

1. No unauthorized person(s) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Borough Manager.
2. There shall be two classes of building sewer permits:
 - A. For residential and commercial service.
 - B. For service to establishments producing industrial wastes.

In either case, the owner(s) or his agent shall make application on a special form furnished by the Borough. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of

the Borough. A permit and inspection fee for a residential or commercial building sewer permit, or for an industrial building sewer permit shall be paid, according to rates established from time to time by resolution of Council, to the Borough at the time the application is filed. All building sewer permit applications, under Subsection 2B above, shall be reviewed and approved, in writing, by the Borough prior to permit issuance.

3. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building. Additionally, all buildings which are newly erected as dwellings, except for apartment houses shall have separate sanitary sewer connections to each such unit located on the same lot.
5. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Borough Manager, or his agent, to meet all requirements of this Part.
6. The size, slope, alignment, materials of construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the building of the Borough and the Public Safety Committee. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. 9 shall apply.

Notwithstanding anything herein to the contrary, polyvinyl chloride (PVC) plastic pipe may be used in the construction of a sewer provided the specifications as prepared by the Borough Engineer entitled "PVC Gravity Sewer Pipe Specifications," TW 2/28/85, are fully complied with and backfill around the polyvinyl chloride (PVC) plastic pipe in nonpaved areas shall consist of six inches of stone screening under pipe, 12 inches of stone screening on top of pipe with soil on top. In paved areas (i.e., parking lot, driveway, street), backfill shall consist of six inches of stone screening under pipe, 12 inches of stone screening on top of pipe with modified stone to required height where finished with standard street restoration.

7. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.
8. No person(s) shall make connection of sump pumps, roof downspouts foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the Superinten-

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dent for purposes of disposal of polluted surface, subsurface or groundwater drainage.

9. The connection of the building sewer into the public sewer shall conform to the requirements of the Building and Plumbing Code [Chapter 5] or other applicable rules and regulations of the Borough or the procedures set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gastight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Borough Manager before installation.
10. The applicant for the building sewer permit shall notify the Borough Manager when the building sewer is ready for inspection and connection to the public sewer. The connection and testing shall be made under the supervision of the Borough Manager or his representative.
11. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.
12. No excavation, construction or connection work shall be commenced within an authority right-of-way until the owner, his agents and/or independent contractor shall have first filed a bond in double the amount of the cost of the work to be performed to be determined by the Borough, agreeing to indemnify and save harmless the authority against any and all loss, damages, costs and expenses which the authority may thereafter suffer, incur, be put to or pay by reason of the failure to complete properly any of the aforesaid excavation, construction or connection work. The term "owner," as used herein, shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers, of the premises and other parties having a beneficial use or interest in the premises and occupying the same with the consent and permission of the owner of the fee title.
13. In the process of installing and connecting a building sewer to a sanitary sewer, no sanitary sewer shall remain open to inflow of groundwater, surface water and/or stormwater for more than 10 hours.
14. Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the Borough Manager.

(Ord. 701, 11/9/1978, Art. 3; as amended by Ord. 785, 11/21/1983; by Ord 805, 5/20/1985, §§1-2; and by Ord. 861, 12/17/1990, §2)

§18-204. Protection from Damage.

No person(s) shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the wastewater facilities. Any person(s) violating this provision shall be subject to prosecution under the laws of the Commonwealth of Pennsylvania.

(Ord. 701, 11/9/1978, Art. 5)

§18-205. Power and Authority of Inspectors.

1. The Borough Manager and other duly authorized employees of the Borough, bearing proper credentials and identification, shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling and testing pertinent to discharge to the community system in accordance with the provisions of this Part.
2. The Borough Manager or other duly authorized employee of the Borough are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. The industry may withhold information considered confidential. The industry must establish that the revelation to the public of the information in question might result in an advantage to competitors.
3. While performing the necessary work on private properties referred to in Subsection 1, the Borough Manager or duly authorized employees of the Borough shall observe all safety rules applicable to the premises established by the owner, and such owner shall be held harmless for injury or death to the Borough employees, and the Borough shall indemnify the owner against loss or damage to its property by Borough employees and against liability claims and demands for personal injury or property damage asserted against the owner and growing out of the gauging and sampling operations, except as such may be caused by negligence or failure of the owner to maintain safe conditions. For the purpose of this Section, the term "owner" is defined to mean and include the lawful owner of the premises, the tenant, lessee and any other person lawfully occupying the premises by and with the consent and permission of the owner.
4. The Borough Manager and other Borough authorized employees of the Borough, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Borough holds a right-of-way for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said right-of-way, which shall be done in full accordance with the terms of the right-of-way pertaining to the private property involved.

(Ord. 701, 11/9/1978, Art. 6; as amended by Ord. 785, 11/21/1983)

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§18-206. Penalties.

1. Any person who shall violate any provision of this Part 2 (except §18-205, which is covered by State law) shall be served by the Borough with written notice stating the nature of the violation and providing a reasonable time limit, as determined by the Borough Manager and the Borough for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
2. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.
3. Any person violating any of the provisions of this Part shall become liable to the Borough for any expense, loss, or damage occasioned the Borough by reason of such violation.

(Ord. 701, 11/9/1978, Art. 7; as amended by Ord. 785, 11/21/1983; and by Ord. 991, 8/15/2005)

B. Connections Within Borough Limits.

§18-211. Notice to Connect With Sewers.

Whenever any portion of the sewer system of the Borough of Ambler, including any branch or extension of the same, has been completed and is ready for public use, it shall be the duty of the Public Safety Committee to cause a printed, typed or written notice of such completion to be served in the manner hereinafter provided, on the owner, owners or occupiers of each property abutting on the highway, road, street, way, alley or walk along which such sewer has been laid.

(Ord. 264, 8/3/1936, §1; as amended by Ord. 399, 3/11/1957, §2)

§18-212. Service of Notice.

Whenever by the provisions of this Part it becomes necessary to serve any notice on any property owner, such service shall be deemed sufficient for all purposes if such notice shall have been left with the property owner personally, with a member of his family, or left with the known agent or occupant of the premises; and if there be no agent or occupant known to the Public Safety Committee, then it shall be sufficient if such notice shall have been posted on the premises.

(Ord. 264, 8/3/1936, §2; as amended by Ord. 399, 3/11/1957, §3)

§18-213. Conditions for Issuance of Permits for Connection.

Permits for the connection with the Borough sewers shall be issued by the Public Safety Committee or its agent upon application of an owner or owners upon:

- A. Compliance with the rules and regulations set forth in the Borough Plumbing Code [Chapter 5, Part 5].
- B. Payment to the Borough by the applicant of the actual cost to the Borough for the laying of laterals to the curb line and restoring the street surfaces.

(Ord. 264, 8/3/1936, §3; as amended by Ord. 332, 11/10/1947, §1; by Ord. 399, 3/11/1957, §4; by Ord. 604, 10/8/1973; and by Ord. 785, 11/21/1983)

§18-214. Authority for Borough to Make Connections and Collect Cost.

Upon the failure of any owner or owners of premises situated as aforesaid, having been duly notified as aforesaid to connect or cause to be connected any building or buildings to such sewer, or upon the failure to comply with the requirements and provisions of this Part or any other ordinance relative to the sewer system, the Public Safety Committee shall report such failure to the Borough Council, and Council, through the Public Safety Committee, may then cause the necessary connections to be made, and upon completion of such connection, shall submit a statement covering the costs of such work and file a duplicate thereof with the Borough Treasurer, to whom such statement shall be made payable for the use of the Borough. All bills remaining unpaid after the expiration of 30 days from the date thereof shall be referred to the Borough Solicitor for collection in the manner provided by law.

(Ord. 264, 8/3/1936, §5; as amended by Ord. 399, 3/11/1957, §5)

§18-215. Sewer Connection Charge Imposed.

There is hereby imposed upon each owner of property connecting to the sewer system after the effective date of this Section a connection charge in an amount as established, from time to time, by resolution of Borough Council.

(Ord. 506, 11/11/1963, §1; as amended by Ord. 991, 8/15/2005)

§18-216. Agreements for Extraordinary Sewage Service.

A duly executed and acknowledged contract shall be entered into between the Borough and any person or corporation desiring extraordinary sewage service for the disposal of

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polluted waste, in such contract the parties may cover any items even if provided elsewhere herein for ordinary sewage service to the extent the parties agree, covering such items a manner of making plumbing and sewer connections, cost of laying and contracting lateral, sewer rental and costs of meter installation, etc. The user will have to agree to abide by the Borough rules and regulations, relating to sewers and to the terms of the agreement where inconsistent with the Borough general rules and regulations. Such agreements shall be deemed to be covenants running with the title and building on the land or premises served by the sewer under such contract and the contract shall expressly stipulate and provide that its terms, conditions and covenants shall run with the land in the hands of the party or parties to such contract, their heirs, administrators, successors and assigns.

(Ord. 264, 8/3/1936; as added by Ord. 861, 12/17/1990, §3)

C. Connections Outside Borough Limits.

§18-221. Cost and Manner of Constructing Sewers Outside Borough Limits.

Sanitary sewers laid out and constructed outside the Borough limits and connecting with the Borough sewer system shall be laid and constructed at the expense of the persons or corporations desiring such sewerage service; all such sewers shall be laid and constructed according to the Borough specifications and shall, during the course of construction, be inspected by a Borough inspector.

(Ord. 280, 11/3/1937, §1)

§18-222. Manner of Making Plumbing and Sewer Connections.

All plumbing and sewer connections shall be in accordance with Borough specifications and shall be subject to the same inspection as like plumbing and sewer connections within the Borough limits.

(Ord. 280, 11/3/1937, §2)

§18-223. Cost of Laying and Constructing Lateral.

The cost of laying and constructing the lateral from the sewer to the curb shall be paid by the person or corporation desiring to connect for such sewerage service.

(Ord. 280, 11/3/1937, §3)

§18-224. Sewer Rental Rates.

The sewer rental rates, fixed for the Borough, shall apply to sewerage service to persons and corporations outside the limits of the Borough unless provided to the contrary in any agreement entered into pursuant to §18-227 of this Part.

(Ord. 280, 11/3/1937, §4; as amended by Ord. 864, 12/17/1990, §4)

§18-225. Cost of Connection to Existing Borough Sewers.

Where sanitary sewers have already been laid and constructed in any street which forms a portion of the boundary dividing the Borough from the Township of Upper Dublin, or any other municipality, and where sanitary sewers have already been laid and constructed beyond the Borough limits into any other municipality, a charge in an amount as established, from time to time, by resolution of Borough Council shall be made and collected for each connection made to the existing Borough sewer.¹

(Ord. 280, 11/3/1937, §5; as amended by Ord. 991, 8/15/2005)

§18-226. Cost of Connection to Sewers Constructed by Users.

Where sanitary sewers are laid and constructed outside the limits of the Borough by persons or corporations desiring sewerage service, a charge in an amount as established, from time to time, by resolution of Borough Council shall be made and collected for each connection made to such sewer.

(Ord. 280, 11/3/1937, §6; as amended by Ord. 991, 8/15/2005)

§18-227. Agreements for Sewerage Service Required.

A duly executed and acknowledged contract shall be entered into between the Borough and any person or corporation desiring such sewerage service; in such contract the agreement to pay sewer rental and other charges of the Borough in connection with the sewerage service, and to abide by the Borough rules and regulations relating to sewers, shall be deemed to be covenants running with the title and binding on the land or premises served by the sewer under such contract, and the contract shall expressly stipulate and provide that its terms, conditions and covenants shall run with the title and bind the land in the hands of the party or parties to such contract, their heirs, administrators, successors and assigns.

(Ord. 280, 11/3/1937, §7)

¹ Editor's Note: See also Subpart D of this Part, § 18-231 et seq.

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§18-228. Application for Sewerage Service; All Charges to be Paid and Contracts Executed and Acknowledged Before Permit Issues.

Applications by persons or corporations residing without the Borough for sewerage service shall be made on forms similar to the forms of application for service within the Borough and no permit shall be issued until the payment of connection charges herein created are paid and the contracts herein provided for are duly executed and acknowledged by the proper parties.

(Ord. 280, 11/3/1937, §8)

D. Fees.

§18-231. Connection Fees Authorized.

The Borough has the power and authority to charge the following fees in conjunction with connections to the sanitary sewer system: connection fees, customer facilities fees, and tapping fees, all as defined in and authorized by the Pennsylvania Municipal Authorities Act and any implementing regulations.

(Ord. 1039, 6/16/2009)

§18-232. Criteria for Imposition of Tapping Fee.

1. The following criteria apply to the imposition of tapping fees by the Borough:
 - A. For the capacity (treatment plant) portion of the calculation required by law, the fee is \$1,439 per EDU of capacity required for connection.
 - B. For the collection (sewer pipes sending flow to the plant) portion of the calculation required by law, the fee is \$1,069 per EDU of capacity required for connection.
 - C. Combining numbers "1" and "2" to arrive at a total tapping fee, the total tapping fee is \$2,508 per EDU of capacity required for connection.
 - D. Connection or customer facility fee charges (representing a fee for the inspection and testing of connections between a main and the building to be serviced) shall be as previously resolved and subject to amendment from time to time, and any such fee that is not a part of the tapping fee is unaffected by this Subpart D. The Borough of Ambler may also charge a property owner/developer for other costs incurred in connection with the extension of sewer mains, including plan reviews, permit applications, and administrative, legal and engineering expenses.

- E. Capacity allocations for the purpose of determining the tapping fee are determined on the basis of a total wastewater flow of 221 gallons per day for connections within the Borough and 229 gallons per day for connections outside the Borough but within the treatment plant service area, i.e., those portions of Upper Dublin, Whitemarsh, Whitpain, and Lower Gwynedd Townships that are serviced by the Ambler Wastewater Treatment Plant. This reflects the difference between the 2.45 residents per household within Ambler Borough per the 2000 census, versus 2.54 residents countywide.
2. The tapping fee set forth herein was calculated in accordance with Act 57 by the Borough's retained engineers for the Borough sewer system for the collection portion and by the retained engineers for the wastewater treatment plant for the capacity portion. Their calculation methodologies are a part of the Borough's records and are available for public inspection upon request.
3. The calculations set forth herein may be modified from time to time by resolution of Council to keep them in accordance with law and regulations.

(Ord. 1039, 6/16/2009)

§18-233. Calculation of Applicable Number of EDUs.

This Subpart D is premised upon the assumption that one single-family residence is one equivalent dwelling unit, or EDU, whether a stand-alone dwelling, townhouse, row house, apartment unit, condominium unit, half of a twin, or otherwise. The purpose of the numbers set forth below is to identify certain known nonresidential uses and assign to each, based on historical data, the gallons per day typical of each use, stated as a multiple of the gallons that are typical of a household (example = a use that is assigned two EDUs has, on average, twice the daily flow of an average residential household). Where appropriate, the EDU equivalency is applied to a particular component of the use, such as the number of available seats or some other valid measure of customer water and sewer use. In all instances, there is a minimum EDU of one. For purposes of calculating the tapping fee set forth in this Subpart D, the EDU for the nonresidential use is multiplied by the per-EDU tapping fee set forth in the preceding Section. Where a new customer is utilizing an existing sewer connection and will have a higher use than the preceding customer at the same location, the EDU's to be used in the calculation will be the difference between the new use and the last prior use at the location.

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Description of Improved Property	Unit of Measurement	EDU Equivalency
Automobile service station or commercial repair shop	1-3 bays	1
	Each additional 2 bays or fraction thereof	1
Banquet or ballroom	Up to 150 seating capacity	2
	Each additional 150 seats	1
Beauty parlor or barbershop (whether or not attached to a dwelling)	2 chairs	1
	Each additional 2 chairs or fraction thereof	1
Bowling alley (restaurant facilities, if included, shall add EDU's per restaurant category)	1-4 lanes	1
	Each additional 4 lanes or fraction thereof	1
Car wash	Each bay	1.5
Caterer	Off-site service	2
	On-site service	
	1-20 customer seats	1
	Each additional 20 seats or fraction thereof	1
Church/house of worship	Not including school or banquet facilities	1
Community college	1,000 square feet	0.425
Convenience store	Without fueling/1,000 square feet	0.5
	With fuel, no food prep	0.75
	With fuel and food prep	0.875
Dentist office	Chair	0.88
Doctors office	Exam room	0.88
Funeral home	Viewing room	0.88
Health/fitness center	1,000 square feet	2.64
Hospital	Bed	1.2
Hotel, motel, or boardinghouse (not including restaurant facilities)	1-4 rental rooms	1
	Each additional 4 rooms or fraction thereof	1
Industrial		
Light sanitary only	1,000 square feet	0.5
Wet; includes industrial processing area for wet purposes	230 gallons of process flow	1 EDU
Laundries	Each machine	1
Movie theaters	1-50 seats	1

Description of Improved Property	Unit of Measurement	EDU Equivalency
	Each additional 50 seats or fraction thereof	1
Nursing home	Bed	0.6
Office	1,000 square feet	0.5
Parks/picnics (sanitary waste only)	Picnic table	0.09
Residential dwelling (yearly or seasonal)	Each dwelling unit	1
Restaurant, club, tavern, or other retail food establishment	1-20 customer seats	1
	Each additional 20 seats or fraction thereof	1
Retail store, professional office, or other commercial enterprise ^{1, 2}	1-10 employees	1
	Each additional 10 employees or fraction thereof	1
Schools	1-25 students or staff	1
	Each additional 25 students or staff or fraction thereof	1
Day school w/o cafeteria, gym or showers	1,000 square feet	3.24
Day school w/ cafeteria, gym or showers	1,000 square feet	5.4

NOTES:

¹ With regard to retail stores, professional offices and other commercial enterprises, if the number of projected employees is not readily available, the EDU calculation shall be based upon an estimation of employees in accordance with the following formula:

$$\# \text{ employees} = (\text{gross building square footage}) \times (0.8) / (150 \text{ square feet/employee})$$

² In multi-tenant retail structures, the number of EDU's shall be calculated separately for each tenant space, with each tenant space being assessed a minimum of one EDU.

(Ord. 1039, 6/16/2009)

§18-234. Connection Fees.

Where appropriate, the Borough may, in addition to the tapping fee, request payment for the actual cost to the Borough of extending a line from the main to the property line or curb stop of the property to be connected.

(Ord. 1039, 6/16/2009)

§18-235. Customer Facility Fees.

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Generally, costs for lines and facilities between the property boundary or curb stop to the building being served are the responsibility of the customer. If for any reason the Borough in its discretion elects to make such installation in a particular circumstance, the actual cost thereof may be charged to the customer as a customer facility fee.

(Ord. 1039, 6/16/2009)

§18-236. Payment.

Payment shall be made at the time service is requested unless the Borough makes other arrangements with the customer.

(Ord. 1039, 6/16/2009)

PART 3

STANDARDS FOR WASTEWATER CONTRIBUTIONS

A. General Provisions.

§18-301. Purpose and Policy.

1. This Part sets forth uniform requirements for direct and indirect contributors into the wastewater collection system for the Borough of Ambler (hereinafter “Ambler” and enables Ambler 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, as amended).
2. The objectives of this Part are:
 - A. To prevent the introduction of pollutants into the wastewater system which will interfere with the operation of the system or contaminate the resulting sludge at the Ambler Wastewater Treatment Plant.
 - B. To prevent the introduction of pollutants into the wastewater system which will pass-through the system inadequately treated into receiving waters or the atmosphere or otherwise be incompatible with the system.
 - C. To improve the opportunity to recycle and reclaim wastewaters and sludges from the system.
 - D. To provide for equitable distribution of the cost of operating the wastewater system.
 - E. To protect the general public and treatment works personnel who may be affected by wastewater and sludge in the course of their employment.
 - F. To enable the Borough of Ambler to comply with its National Pollution Discharge Elimination System permit conditions, sludge use and disposal requirements and any other Federal or State laws to which the treatment works is subject and to empower the treatment works to enforce penalties against violators as required by its enforcement response guide and by Federal and State law.
3. This Part provides for the regulations 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.

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4. This Part shall apply to Ambler and to persons outside Ambler who are users or significant users of the Ambler POTW, known as the Ambler Joint Wastewater Treatment Plant. Except as otherwise provided herein, the manager of Ambler POTW shall administer, implement and enforce the provisions of this Part.

(Ord. 902, 9/20/1993, §1.1)

§18-302. 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 U.S.C. §1251 et seq.

AMBLER — the Borough of Ambler.

APPROVAL AUTHORITY — the Regional Administrator of EPA.

AUTHORIZED REPRESENTATIVE OF INDUSTRIAL, COMMERCIAL, INSTITUTIONAL OR SIGNIFICANT INDUSTRIAL USER –

A. If the user is a corporation:

- (1) The president, secretary, treasurer or a vice president of the corporation in charge of a principal business function or any other person who performs similar policy or decision making functions for the corporation.
- (2) The manager of one or more manufacturing, production or operating facilities, provided that the manager is authorized to make management decisions which govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

B. If the user is a partnership or sole proprietorship, a general partner or proprietor, respectively.

- C. If the user is a Federal, State or local facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility or their designee.
- D. The individuals described in Subsections A through C above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company and the written authorization is submitted to Ambler Wastewater Treatment Plant.

BEST MANAGEMENT PRACTICES (BMPs) — schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the general and specific prohibitions found in 40 CFR 403.5(a)(1) and (b) and Chapter 18 of the Borough Code. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

BIOCHEMICAL OXYGEN DEMAND (BOD) — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure five days at 20° C., expressed in terms of weight and concentration [milligrams per liter (mg/l)].

BUILDING SEWER — a sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS — any regulation containing pollutant discharge limits promulgated by EPA in accordance with §§307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

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 Manager as Ambler has an approved pretreatment program under the provisions of 40 CFR 403.11.

DIRECT DISCHARGE — the discharge of treated or untreated wastewater directly to the water of the State of Pennsylvania.

ENVIRONMENTAL PROTECTION AGENCY (EPA) — the U.S. Environmental Protection Agency, or where appropriate, 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 without consideration of time.

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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 POTW, including holding tank waste discharged into the system.

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER — an industrial, commercial or institutional source of indirect discharge.

INDUSTRIAL, COMMERCIAL OR INSTITUTIONAL USER PERMIT — as set forth in §18-332 of this Part.

INTERFERENCE — a discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal, and therefore, is a cause of a violation of Ambler Wastewater Treatment Plant's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder or any more stringent State or local regulations, §405 of the Act, the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA), any State regulations contained in any State sludge management plan prepared pursuant to subtitle D of the Solid Waste Disposal Act and the Marine Protection, Research and Sanctuaries Act.

MANAGER — the person designated by Ambler to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part, or his duly authorized representative.

MEDICAL WASTE — isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.

NATIONAL CATEGORICAL PRETREATMENT STANDARD OR PRETREATMENT STANDARD — any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §§307(B) and (C) of the Act (33 U.S.C. §1317), which applied to a specific category of industrial users. (40 CFR, Chapter 1, Subchapter N, Parts 405-471).

NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD — any regulation developed under the authority of §307(b) of the Act, 40 CFR §403.5.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM OR NPDES PERMIT — a permit issued pursuant to §402 of the Act (33 U.S.C. §1342).

NEW SOURCE —

- A. 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:
- (1) The building, structure, facility or installation is constructed at a site at which no other source is located.
 - (2) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.
 - (3) The production or wastewater generating process 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.
- B. 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 Subsection A(2) or (3) above, but otherwise alters, replaces or adds to existing process or production equipment.
- C. Construction of new source as defined under this subsection has commenced if the owner or operator has:
- (1) Begun, or caused to begin, as part of a continuous onsite construction program:
 - (a) If any placement, assembly or installation of facilities or equipment.
 - (b) 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.
 - (c) 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 subsection.

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NON-CONTACT COOLING WATER — water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.

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 of duration of violation).

PERSON — any individual, partnership, copartnership, firm, company, corporation, association, joint-stock company, trust, estate, governmental entity, any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH — the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

POLLUTION — the man-made or man-induced alteration of the chemical, physical, biological and radiological integrity of water.

POLLUTANT — any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes and certain characteristics of wastewater (e.g., temperature, TSS, turbidity, color, BOD, COD, toxicity or odor).

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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical or biological processes, by process changes or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

PUBLICLY OWNED TREATMENT WORKS (POTW) — a treatment works as defined by §212 of the Act (33 U.S.C. §1292) which is owned by Ambler and operated for the benefit of Ambler and for the areas of the Townships of Lower Gynedd, Upper Dublin, Whitpain and Whitemarsh served by the POTW pursuant to an agreement between and among the said municipalities dated December 16, 1959, as amended by several subsequent agreements. This defining includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this Part, "POTW" shall also include any sewers that convey wastewaters to the POTW from persons inside or outside Ambler and/or the Townships who are users of the POTW.

POTW TREATMENT PLANT — that portion of the POTW, owned by the Borough of Ambler and operated by the Borough of Ambler in participation with the Townships of Lower Gwynedd, Upper Dublin, Whitmarsh and Whitpain, which is designed to provide treatment to wastewater from each participating municipality.

SHALL — is mandatory, may is permissive.

SIGNIFICANT INDUSTRIAL USER –

- A. Except as provided in Subsection B of this definition:
- (1) All industrial users subject to Categorical Pretreatment Standards under 40 CFR §403.6 and 40 CFR, Chapter I, Subchapter N.
 - (2) Any other industrial user that discharges and average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontract cooling and boiler blowdown wastewater), contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plan or is designated as such by the Borough as defined in 40 CFR §403.12(a) 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 Subsection A(2) above has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Borough [as defined in 40 CFR §403.12(a)] may at any time, on its own initiative or in response to a petition received from an industrial user or POTW, and in accordance with 40 CFR §403.8(f)(6) determine that such industrial user is not a significant industrial user.

SIGNIFICANT NONCOMPLIANCE (SNC) — an industrial user or user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8(f)(2)(viii). For purposes of this definition, a user is in significant noncompliance if its violations meets one or more of the following criteria:

- 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 (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
- 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 numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable criterion (1.4 for

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BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

- C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Borough determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Borough personnel or the general public).
- D. Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Borough's exercise of its 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 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation(s), which may include violation of best management practices, which the Borough determines will adversely affect the operation or implementation of the local pretreatment program.

SIGNIFICANT USER PERMIT — as set forth in §18-333 of this Part.

SLUG DISCHARGE — any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5(b) and/or any discharge of nonroutine nature, episodic nature, including but not limited to accidental spills or noncustomary batch discharges, which has a reasonable potential to cause interference or pass-through, or in any other way violate the Borough's regulations, prohibited discharge standards in this Part, local limits or NPDES permit conditions.

STATE — the State 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.

SUPERINTENDENT — the person designated by Ambler to supervise the operation of the POTW and who is charged with certain duties and responsibilities by this Part, or a duly authorized representative.

SUSPENDED SOLIDS — the total suspended matter that floats on the surface 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 EPA 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, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated which is contributed into or permitted to enter the POTW.

WATERS OF THE STATE — all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulation 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.

(Ord. 902, 9/20/1993, §1.2; as amended by Ord. 1030, 12/16/2008; by Ord. 1046, 3/16/2010; and by Ord. 1057, 5/18/2011)

§18-303. Abbreviations.

The following abbreviations shall have the designated meanings:

BOD	Biochemical oxygen demand
CFR	Code of Federal Regulations
COD	Chemical oxygen demand
EPA	Environmental Protection Agency
l	Liter
mg	Milligrams
mg/l	Milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. §6901 et seq.
USC	United States Code

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TSS Total suspended solids

(Ord. 902, 9/29/1993, §1.3)

B. Regulations.

§18-311. General Discharge Prohibitions.

1. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass-through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State or local pretreatment standards or requirements.
2. Specific Prohibitions. No use shall introduce or cause to be introduced into the POTW the following pollutants, substances or wastewater:
 - A. Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, waste streams with a closed-cup flashpoint of less than 140° F. (60° C.) using the test methods specified in 40 CFR §261.21.
 - B. Wastewater having a pH less than 6.0 or more than 9.0 or otherwise causing corrosive structural damage to the POTW or equipment.
 - C. Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than 1/2 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, wastepaper, wood, petroleum products (including plastics, gasoline, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil), mud, glass grinding or polishing wastes.
 - D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW; except, however, that in the case of conventional pollutants, such discharge is permissible to the extent that it is in accordance with any enacted surcharge policy through which the discharger pays the AWTP for the treatment/removal of certain pollutants.
 - E. Wastewater having a temperature greater than 120° F. or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104° F. (40° C.).

- F. Petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin, in amounts that will cause interference or pass-through.
- G. Pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- H. Trucked or hauled pollutants, except at discharge points designated by the Superintendent in accordance with §18-324 of this Part.
- I. Noxious or malodorous liquids (including automobile antifreeze), 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.
- J. 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 Ambler's NPDES permit.
- K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- L. Stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water and unpolluted wastewater, unless specifically authorized by Ambler Wastewater Treatment Plant.
- M. Sludges, screenings or other residues from the pretreatment of industrial wastes.
- N. Medical wastes, except as specifically authorized by Ambler Wastewater Treatment Plant in a wastewater discharge permit.
- O. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.
- P. Detergents, surface-active agents or other substances which may cause excessive foaming in the POTW.
- Q. Fats, oils or greases of animal or vegetable origin in concentrations greater than are stated elsewhere herein.
- R. Wastewater causing two reading 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%.

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3. 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.

(Ord. 902, 9/20/1993, §2.1)

§18-312. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471, are hereby incorporated by reference as if set forth fully herein.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, Ambler Wastewater Treatment Plant 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, Ambler Wastewater Treatment Plan 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 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.

(Ord. 902, 9/29/1993, §2.2)

§18-313. State Pretreatment Standards.

1. The following pollutant limits are established to protect against pass-through and interference. No person shall discharge wastewater containing in excess of the following:

Toxic Pollutants	Limit (mg/L)
Arsenic	0.53
Aluminum	12.23
Cadmium	0.02
Chromium(T)	6.01
Chromium, Hexavalent	0.39
Copper	0.80
Cyanide(T)	0.34

Toxic Pollutants	Limit (mg/L)
Lead	0.13
Mercury	0.005
Molybdenum	Monitor only
Nickel	0.46
Phenols	3.59
Selenium	0.11
Silver	0.26
Zinc	8.95

2. The above limits apply at the point where the wastewater is discharged to the POTW, which for purposes of this Part includes all points within and throughout the distribution system. All concentrations for metallic substances are for “total” metal unless indicated otherwise. Ambler Wastewater Treatment Plant may impose mass limitations in addition to, or in place of, the concentration based limitations above.
3. The Borough, at its sole discretion, may develop best management practices (BMPs) to comply 40 CFR 403.5(c)(1). Such BMPs shall be considered local limits and pretreatment standards for the purposes of 40 CFR 403 and Section 307(d) of the Clean Water Act and can be implemented as wastewater discharge permit conditions. The Borough, also at its sole discretion, may allow a user to implement BMPs to meet the prohibitions found in 40 CFR 403.5(a)(1) and (b) and Chapter 18 of the Borough Code.

(Ord. 902, 9/20/1993, §2.4; as amended by Ord. 911, 3/21/1955, §1; by Ord. 947, 3/20/2000, §1; by Ord. 1009, 5/21/2007; and by Ord. 1057, 5/18/2011)

§18-314. Ambler Wastewater Treatment Plant’s Right of Revision.

Ambler Wastewater Treatment Plant reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

(Ord. 902, 9/20/1993, §2.5)

§18-315. Dilution.

No user shall ever increase the use of process 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. Ambler Wastewater Treatment Plant 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.

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(Ord. 902, 9/20/1993, §2.5)

C. Pretreatment of Wastewater

§18-321. Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Part and shall comply with all categorical pretreatment standards, local limits and the prohibitions set out in §18-411 of this Part within the time limitations specified by EPA, the State or Ambler Wastewater Treatment Plant, 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 Ambler Wastewater Treatment Plant for review and shall be acceptable to Ambler Wastewater Treatment Plant 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 Ambler Wastewater Treatment Plant under the provisions of this Part.

(Ord. 902, 9/20/1993, §3.1)

§18-322. Additional Pretreatment Measures.

1. Grease Traps.

- A. Definitions. As used in this Section, the following terms shall have the meanings indicated:

BOROUGH — Ambler Borough.

GREASE TRAP — a receptacle, structure, or mechanical device used by a generator to intercept, collect, separate, and restrict the passage of fat, oil, grease, organic, inorganic, liquid, semiliquid, semisolid, or solid waste from wastewater prior to discharge to the WWTP.

GREASE TRAP WASTE — fat, oil, grease, organic, inorganic, liquid, semi-liquid, semisolid, or solid waste collected by and removed from a grease trap.

LIQUID WASTE HAULER — a person who removes, transports, and discharges all or part of the contents of a septic tank, chemical toilet, grease trap, grit trap, holding tank, wastewater treatment plant, or other holding or treatment system for hauled liquid waste to a waste treatment system, waste reduction system, waste recovery system, or waste disposal site.

- B. Limit on Discharge of Fat, Oil or Grease.

- (1) Except as authorized by this regulation, a person may not discharge fat, oil, grease, or similar material to the WWTP in excess of an instantaneous maximum allowable limit of 200 milligrams per liter.
- (2) If necessary to protect the WWTP or sanitary sewer, the Borough may issue a permit, order, or rule that assigns the limits on discharge of fat, oil, grease or a similar substance as:
 - (a) Instantaneous maximum allowable limits;
 - (b) Daily average limits;
 - (c) Daily maximum limits;
 - (d) Monthly average limits; or
 - (e) Limits of other sampling duration or averaging period.
- (3) Waste that does not contain grease, fats or oils and that otherwise does not require grease separation treatment shall not be discharged into the grease recovery system. Wastewater from dishwasher machines or wastewater that otherwise exceeds 130° F. shall not be introduced into any interior grease recovery device. Food-waste grinders shall not discharge into the building drainage system through a grease trap or grease recovery device.

C. Required Sample Collection Techniques.

- (1) Except as otherwise provided in this Section or by applicable Federal, State, or local law, a person that discharges wastewater containing industrial waste or other prohibited waste must collect a wastewater sample using flow proportional composite collection techniques.
- (2) If the Borough determines that flow proportional sampling is not feasible, the Borough may authorize the use of:
 - (a) Time proportional sampling;
 - (b) Sampling of a minimum of four grab samples; or
 - (c) Other applicable approved sampling procedure, provided that the procedure collects a representative sample of the discharged effluent.
- (3) A person shall use grab collection techniques to obtain samples of fat, oil, grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic chemicals.

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D. Requirements for Cleaning Grease Traps.

- (1) A person who discharges wastewater from a grease trap to the WWTP shall:
 - (a) Completely remove all fat, oil, or grease waste, other liquid waste, semisolid or solid and residue from the grease trap when the grease trap is cleaned; and
 - (b) Clean the grease trap the earlier of:
 - [1] At least every three months; or
 - [2] When 50% or more of the wetted height of the grease trap, as measured from the bottom of the grease trap to the invert of the outlet pipe, contains grease and solids.
- (2) The Borough may reduce the cleaning frequency requirement in writing if the Borough determines, based on written documentation submitted by the generator, that the reduced cleaning frequency does not contribute to or cause a violation of this Part.
- (3) A person cleaning a grease trap shall dispose of the waste removed from a grease trap in accordance with Federal, State, and local regulations.
- (4) The Borough may establish other cleaning requirements for grease traps as necessary to protect the WWTP or a portion of the sanitary sewer system.

E. Miscellaneous Requirements.

- (1) All restaurants or other businesses that prepare and serve food shall provide interceptors or traps.
- (2) To the extent not covered by this Section, all devices shall comply with any uniform plumbing code adopted by the Borough.
- (3) Collected materials shall be disposed of in accordance with any existing laws and regulations concerning such disposal, including the requirement that any hauler thereof hold a permit for same. Collected materials may never be reintroduced to any part of the collection system.
- (4) There is no fee for the Borough's inspection of a grease trap. However, where a problem has been identified that requires a reinspection to confirm compliance, there shall be a fee of \$50 for each required reinspection.

- (5) Maintenance records pertaining to grease traps shall be maintained for a period of three years on site.
2. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(Ord. 902, 9/20/1993, §3.2; as amended by Ord. 1019, 8/19/2008)

§18-323. Accidental Discharge/Slug Control Plans.

1. An Accidental Discharge/Slug Control Plan, as prescribed under 40 CFR 403.8(f)(2)(vi), may be required:
 - A. For all new sources/new users. Where required by the Borough, detailed plans showing facilities and operating procedures to provide protection from accidental discharges or slugs shall be submitted to the Borough for review and shall be approved by the Borough before construction of the facility.
 - B. For existing sources/new users. The Borough shall evaluate whether each new user needs an Accidental Discharge/Slug Control Plan within one year of the date of inclusion in the Industrial Pretreatment Program.
 - C. For existing sources/existing users. The Borough shall evaluate whether each user needs an Accidental Discharge/Slug Control Plan on a routine basis.
2. If an Accidental Discharge/Slug Control Plan is required, the Borough may require any user to develop, submit for approval, and implement such a plan. Alternatively, the Borough may develop such a plan for any user. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:
 - A. Description of discharge practices, including nonroutine batch discharges.
 - B. Description of stored chemicals.
 - C. Procedures for immediately notifying the Borough of any accidental or slug discharge.
 - D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall 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.

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3. When an existing source is required by the Borough to provide and/or modify an Accidental Discharge/Slug Control Plan, the user shall provide the plan within 60 days of notification. Should the plan require construction or implementation of measures to meet compliance, the plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the Borough within 30 days. Failure to submit a revised plan and/or failure to provide a complete plan after the thirty-day submission period may render the wastewater discharge permit void.
4. The Borough's review and approval of such plans and operating procedures shall not relieve the user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part.
5. If not specifically required by the Borough, the information, requirements, etc., called for in a plan are not waived by the Borough and the users shall, in their own and sole judgment provide all necessary items, procedures, etc., to prevent any accidental discharge and/or slug discharge to the POTW.
6. All users are required to notify the Borough immediately of any changes at their facilities affecting the potential for an accidental discharge and/or slug discharge to the POTW. This requirement can be implemented as a wastewater discharge permit condition as necessary.

(Ord. 902, 9/20/1993, §3.3; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

§18-324. Hauled Wastewater.

1. Septic tank waste may be introduced into the POTW only at locations designated by Ambler Wastewater Treatment Plant and at such times as are established by Ambler Wastewater Treatment Plant. Such waste shall not violate Subpart B of this Part or any other requirements established by Ambler Wastewater Treatment Plant. Ambler Wastewater Treatment Plant may require septic tank waste haulers to obtain wastewater discharge permits.
2. Ambler Wastewater Treatment Plant shall require haulers of industrial waste to obtain wastewater discharge permits. Ambler Wastewater Treatment Plant may require generators of hauled industrial waste to obtain wastewater discharge permits. Ambler Wastewater Treatment Plant also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part.
3. Industrial waste haulers may discharge loads only at locations designated by Ambler Wastewater Treatment Plant. No load may be discharged without prior consent of Ambler Wastewater Treatment Plant. Ambler Wastewater Treatment Plant may collect samples of each hauled load to ensure compliance with applicable

standards. Ambler Wastewater Treatment Plant may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents and whether any wastes are RCRA hazardous wastes.

(Ord. 902, 9/20/1993, §3.4)

D. Wastewater Discharge Permit Application.

§18-331. Wastewater Analysis.

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

(Ord. 902, 9/20/1993, §4.1)

§18-332. Wastewater Discharge Permit Requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from Ambler Wastewater Treatment Plant, except that a significant industrial user that has filed a timely application pursuant to §18-333 of this Part may continue to discharge for the time period specified therein.
2. Ambler Wastewater Treatment Plant may require other users to obtain wastewater discharge permit as necessary to carry out the purposes of this Part.
3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subject the wastewater discharge permittee to the sanctions set out elsewhere in this Part. 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.

(Ord. 902, 9/20/1993, §4.2)

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§18-333. Wastewater Discharge Permitting: New Connections.

1. Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge.
2. An application for this wastewater discharge permit, in accordance with §18-335 of this Part, must be filed at least 30 days prior to the date upon which any discharge will begin or recommence.

(Ord. 902, 9/20/1993, §4.3)

§18-334. Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. Ambler Wastewater Treatment Plant may require all users to submit as part of an application the following information:

- A. All information required pursuant to baseline monitoring reports as described elsewhere in this Part.
- B. 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.
- C. Number and type of employees, hours of operation and proposed or actual hours of operation.
- D. Each product produced by type, amount, process or processes and rate of production.
- E. Type and amount of raw materials processed (average and maximum per day).
- F. 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.
- G. Time and duration of discharges.
- H. Any other information as may be deemed necessary by Ambler Wastewater Treatment Plant to evaluate the wastewater discharge permit application.

(Ord. 902, 9/20/1993, §4.4)

§18-335. Application Signatories and Certification.

All wastewater discharge permit applications and use 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 or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

(Ord. 902, 9/20/1993, §4.5)

§18-336. Wastewater Discharge Permit Decisions.

Ambler Wastewater Treatment Plant 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, Ambler Wastewater Treatment Plant will determine whether or not to issue a wastewater discharge permit. Ambler Wastewater Treatment Plant may deny any application for a wastewater discharge permit.

(Ord. 902, 9/20/1993, §4.6)

E. Wastewater Discharge Permit Issuance Process.

§18-341. Wastewater Discharge Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed five years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five years, at the decision of Ambler Wastewater Treatment Plant. Each wastewater discharge permit will indicate a specific date upon which it will expire.

(Ord. 902, 9/20/1993, §5.1)

§18-342. Wastewater Discharge Permit Contents.

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by Ambler Wastewater Treatment Plant 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 wastewater discharge permit duration, which in no event shall exceed five years.
 - (2) A statement that the wastewater discharge permit is nontransferable without prior notification to Ambler Wastewater Treatment Plant in accordance with §18-345 of this Part 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 record-keeping 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 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 non-routine discharges.
 - (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
 - (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.
 - (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

- (7) 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.
- (8) Other conditions as deemed appropriate by Ambler Wastewater Treatment Plant to ensure compliance with this Part and State and Federal laws, rules and regulations.

(Ord. 902, 9//20/1993, §5.2)

§18-343. Wastewater Discharge Permit Appeal.

Ambler Wastewater Treatment Plant shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition Ambler Wastewater Treatment Plant 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 Ambler Wastewater Treatment Plant 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 Montgomery County, Pennsylvania, within the period proscribed by Pennsylvania's Local Agency Law, 2 Pa.C.S.A. §105 et seq.

(Ord. 902, 9/20/1993, §5.3)

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§18-344. Wastewater Discharge Permit Modification.

Ambler Wastewater Treatment Plant 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 alterations or additions to the user's operation, processes or wastewater volume or character since the time of wastewater discharge permit 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 Ambler Wastewater Treatment Plant's POTW, Ambler Wastewater Treatment Plant's 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.

(Ord. 902, 9/20/1993, §5.4)

§18-345. Wastewater Discharge Permit Transfer.

1. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 60 days advance notice to Ambler Wastewater Treatment Plant and Ambler Wastewater Treatment Plant approves the wastewater discharge permit transfer. The notice to Ambler Wastewater Treatment Plant must include a written certification by the new owner or operator which:
 - A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.
 - B. Identifies the specific date on which the transfer is to occur.

- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- 2. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(Ord. 902, 9/20/1993, §5.5)

§18-346. Wastewater Discharge Permit Revocation.

- 1. Ambler Wastewater Treatment Plant may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:
 - A. Failure to notify Ambler Wastewater Treatment Plant of significant changes to the wastewater prior to the changed discharge.
 - B. Failure to provide prior notification to Ambler Wastewater Treatment Plant of changed conditions pursuant to §18-355 of this Part.
 - C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
 - D. Falsifying self-monitoring reports.
 - E. Tampering with monitoring equipment.
 - F. Refusing to allow Ambler Wastewater Treatment Works timely access to the facility premises and records.
 - G. Failure to meet effluent limitations.
 - H. Failure to pay fines.
 - I. Failure to pay sewer charges.
 - J. Failure to meet compliance schedules.
 - K. Failure to complete a wastewater survey or the wastewater discharge permit application.
 - L. Failure to provide advance notice of the transfer of business ownership of a permitted facility.
 - M. Violation of any pretreatment standard or requirement or any terms of the wastewater discharge permit or this Part.

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2. Wastewater discharge permits shall be voidable upon cessation of operation 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.

(Ord. 902, 9/20/1993, §5.6)

§18-347. 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, in accordance with §18-335 of this Part, a minimum of 180 days prior to the expiration of the user's existing wastewater discharge permit.

(Ord. 902, 9/20/1993, §5.7)

§18-348. Regulation of Waste Received from Other Jurisdictions.

1. Pursuant to the Pennsylvania Pretreatment Works Penalty Law (35 P.S. §752.1 et seq.), the Ambler Wastewater Treatment Plant reserves the right to regulate waste entering the plant regardless of its point of origin.
2. Each municipality which participates in the operation of the treatment plant shall, in accordance with various intermunicipal agreements signed by them, enforce their respective sewer use ordinances with respect to the discharges within each of their jurisdictions. Whenever possible, the enforcement of a particular municipality's sewer use ordinance shall be a joint and cooperative effort between the subject municipality and staff from Ambler Wastewater Treatment Plant and/or Borough of Ambler, which has primary responsibility for plant operations. In the event that any municipality fails or refuses to enforce its sewer use ordinance after the Ambler Wastewater Treatment Plant or the Borough of Ambler has made a determination that such enforcement is necessary, then the Ambler Wastewater Treatment Plant and the Borough of Ambler reserve all rights which they may have to either undertake enforcement pursuant to the Pennsylvania Pretreatment Works Penalty Law and/or to seek enforcement of any intermunicipal agreement which may require the cooperation of the municipality which fails or refuse to act.

(Ord. 902, 9/20/1993, §5.8)

F. Reporting Requirements.

§18-351. Baseline Monitoring Reports.

1. Within either 180 days after the 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 Ambler Wastewater Treatment Plant a report which contains the information listed in Subsection (2) below. At least 90 days prior to commencement of their discharge, new sources and sources that become categorical users subject to the promulgation of an applicable categorical standards shall submit to Ambler Wastewater Treatment Plant a report which contains the information listed in Subsection (2) 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.
2. Users described above shall submit the information set forth below:
 - A. Identifying Information. The name and address of the facility, including the name of the operator and owner.
 - B. Environmental Permits. A list of any environmental control permits held by or for the facility.
 - C. 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.
 - D. 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 combine waste stream formula set out in 40 CFR §403.6(e).
 - E. Measurement of Pollutants.
 - (1) The categorical pretreatment standards applicable to each regulated process.
 - (2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by Ambler Wastewater Treatment Plant 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

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shall be analyzed in accordance with procedures set out elsewhere in this Part.

- (3) Sampling must be performed in accordance with the procedures set out elsewhere in this Section of this Part.
 - (4) If a user must implement a BMP to comply with Federal pretreatment standards or requirements, the user shall provide all mandatory BMP compliance information.
- F. 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 and M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- G. Compliance Schedule. If additional pretreatment and/or O and M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O and 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 this Section of this Part.
- H. Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Part 3D of this Part.

(Ord. 902, 9/20/1993, §6.1; as amended by Ord. 1057, 5/18/2011)

§18-352. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by §18-251.2G of this Part:

- 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 Ambler Wastewater Treatment Plant no later than 14 days following each date in the schedule and the final date of compliance including, at 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 Ambler Wastewater Treatment Plant.

(Ord. 902, 9/20/1993, §6.2)

§18-353. 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 Abler Wastewater Treatment Plant a report containing the information described in §18-351.2D through F of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §404.6(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 §18-356 of this Part.

(Ord. 902, 9/20/1993, §6.3; as amended by Ord. 1057, 5/18/2011)

§18-354. Periodic Compliance Reports.

1. All significant industrial users shall, at a frequency determined by Ambler Wastewater Treatment Plant, but in no case less than twice per year (in June and December), 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 Subpart D of this Part. In the event that the months for submission of the reports are altered by Ambler Wastewater Treatment Plant, factors such as local, high or low flow rates, holiday, budget cycles, etc., shall be taken into consideration.
 - A. The Borough may elect to complete monitoring on behalf of any user to meet the requirements of the industrial pretreatment program. Should the Borough notify the user that it will complete monitoring on behalf of the user, the user is not required to submit the semiannual monitoring reports as described in the previous paragraph.
2. All wastewater samples must be representative of the normal discharges occurring during the reporting period. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean and maintained in good working

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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 samples results are unrepresentative of its discharge.

3. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by Ambler Wastewater Treatment Plan, using the procedures prescribed in this subpart, the results of this monitoring shall be included in the report.
4. If a user must implement a BMP to comply with Federal pretreatment standards or requirements or any other permit condition, the user shall submit any and all documentation required by the Borough or by the Federal pretreatment standard at the frequency specified by the Borough to evaluate compliance. The Borough may also require any user to submit any information or data at any frequency it deems necessary to determine compliance Federal, State or local regulations.

(Ord. 902, 9/20/1993, §6.4; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

§18-355. Reports of Changed Conditions.

Each user must notify Ambler Wastewater Treatment Plant 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 60 days before the change.

- A. Ambler Wastewater Treatment Plant 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 Part 3D of this Part.
- B. Ambler Wastewater Treatment Plant may issue a wastewater discharge permit under Part 3D of this Part or modify an existing wastewater discharge permit under Part 3E of this Part 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.

(Ord. 902, 9/20/1993, §6.5)

§18-356. Reports of Potential Problems.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge or a slug load, that may cause potential problems for the POTW, the user shall imme-

diately telephone and notify Ambler Wastewater Treatment Plant 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, along with the identity of the person or persons believed to be responsible for the discharge.

2. Within five days following such discharge, the user shall, unless waived by Ambler Wastewater Treatment Plant, 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 Part.
3. A notice shall be permanently post on the user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in Subsection (1) above. Employers shall ensure that all employees, who may cause such discharge to occur, are advised of the emergency notification procedure.

(Ord. 902, 9//20/1993, §6.6)

§18-357. Reports to Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to Ambler Wastewater Treatment Plant as Ambler Wastewater Treatment Plant may require.

(Ord. 902, 9/20/1993, §6.7)

§18-358. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify Ambler Wastewater Treatment Plant 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 Ambler Wastewater Treatment Plant within 30 days after becoming aware of the violation. The user is not required to resample if Ambler Wastewater Treatment Plant monitors at the user's facility at least once a month or if Ambler Wastewater Treatment Plant samples between the user's initial sampling and when the user receives the results of this sampling.

(Ord. 902, 9/20/1993, §6.8)

§18-359. Notification of the Discharge of Hazardous Waste.

1. Any user who commences the discharge of hazardous waste shall notify the Ambler Wastewater Treatment Plant, the EPA Regional Waste Management Division Director and State hazardous waste authorities, in writing, of any discharge into the Ambler Wastewater Treatment Plant of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR, Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR, Part 261, the EPA hazardous waste number and the type of discharge (continuous batch or other). If the user discharges more than 100 kilograms of such waste per calendar month to the Ambler Wastewater Treatment Plant, the notification shall also contain the following information to the extent such information is known and readily available to the user, an identification of the hazardous constituents contained in the wastes, as estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month and an estimation of the mass of constituents in the waste stream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under §18-355 of this Part. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-351, 18-353 and 18-354 of this Part.
2. Discharges are exempt from the requirements of Subsection (1) above, 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 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month or of any quantity of acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e) requires a one time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.
3. 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 user must notify the Superintendent, 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.
4. In the case of any notification made under this Section, the 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.
5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder or any applicable Federal or State law.

(Ord. 902, 9/20/1993, §6.9)

§18-360. 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 EPA.

(Ord. 902, 9/20/1993, §6.10)

§18-361. Sample Collection.

1. Except as indicated in Subsection 2 below, the user must collect wastewater samples using flow proportional composite collection techniques. Ambler Wastewater Treatment Plant 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.
2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and volatile organic compounds must be obtained using grab collection techniques.

(Ord. 902, 9/20/1993, §6.11; as amended by Ord. 1057, 5/18/2011)

§18-362. 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.

(Ord. 902, 9/20/1993, §6.12)

§18-363. Recordkeeping.

Users subject to the reporting requirements of this Part shall maintain, and make available for inspection and copying by the Borough, all records of information obtained pursuant to any monitoring activities required by this Part, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and records associated with implementation of BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed

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the analyses; the analytical techniques or methods used; and the results of such analyses and any other information or data deemed necessary by the Borough. 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 Borough, or where the user has been specifically notified of a longer retention period by the Borough.

(Ord. 902, 9/20/1993, §6/13; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

G. Compliance Monitoring.

§18-371. Right of Entry; Inspection and Sampling.

Ambler Wastewater Treatment Plant shall have the right to enter the premises of any user, without notice, to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow Ambler Wastewater Treatment Plant 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, Ambler Wastewater Treatment Plant will be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. Ambler Wastewater Treatment Plant shall have the right to set up on the user's property or require installation of such devices as are necessary to conduct sampling and/or metering of the user's operations.
- C. Ambler Wastewater Treatment Plant 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 proper 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 Ambler Wastewater Treatment Plant and shall not be replaced. The costs of clearing such access shall be borne by the user.
- E. Unreasonable delays in allowing Ambler Wastewater Treatment Plant access to the user's premises shall be a violation of this Part.

- F. When it would be impractical or cause undue hardship on the user to situate the monitoring facility on the user's premises, the Borough may allow the facility to be constructed in the public street or sidewalk area and located so that it will not 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 condition at the expense of the user.

(Ord. 902, 9/20/1993, §7.1)

§18-372. Search Warrants.

If Ambler Wastewater Treatment Plant has been refused access to a building, structure or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of Ambler Wastewater Treatment Plant designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then Ambler Wastewater Treatment Plant may seek issuance of a search warrant from the district justice in whose jurisdiction the property is situated.

(Ord. 902, 9/20/1993, §7.2)

H. Confidential Information.

§18-375. Confidential Information.

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits and monitoring programs and from Ambler Wastewater Treatment Plant'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 Ambler Wastewater Treatment Plant, 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 made 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.

(Ord. 902, 9/20/1993, §8)

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I. Publication of Users in Significant Noncompliance.

§18-381. Publication of Users in Significant Noncompliance.

The Borough shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the users which, during the previous 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 (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(l).
- 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 numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).
- C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Borough determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of Borough personnel or the general public).
- D. Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Borough's exercise of its 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 45 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.

- H. Any other violation(s), which may include violation of best management practices, which the Borough determines will adversely affect the operation or implementation of the local pretreatment program.

(Ord. 902, 9/20/1993, §9; as amended by Ord. 1030, 12/16/2008; and by Ord. 1057, 5/18/2011)

J. Enforcement Remedies.

§18-385. Enforcement Remedies.

The Borough of Ambler and the Ambler Wastewater Treatment Plant in conjunction with the participating municipalities (Whitemarsh Township, Whitpain Township, Lower Gwynedd Township, Upper Dublin Township) are fully empowered to undertake all enforcement remedies set forth below in order to assure user compliance with all State and Federal laws and regulations. The enforcement actions described herein will be undertaken pursuant to Ambler Wastewater Treatment Plant's duly adopted and EPA approved Enforcement Response Guide, a Federally mandated statement of policy which provides fair and even application of all enforcement remedies to users in violation, such document being available at all times for public inspection. In addition, Ambler and the Ambler Wastewater Treatment Plant retain each and every right and power granted pursuant to the Publicly Owned Treatment Works Penalty Law, 35 P.S. §752.1 et seq. in addition to any amendments thereto.

(Ord. 902, 9/20/1993, §10)

§18-386. Surcharge in Lieu of Enforcement Remedy.

With respect to conventional pollutants, Ambler Wastewater Treatment Plant may, from time to time, and at its discretion, adopt a policy whereby certain specifically identified conventional pollutants are permissibly discharged to the Ambler Wastewater Treatment Plan for removal at the plant, with the cost of such removal to be borne by the discharger. Ambler Wastewater Treatment Plant may expand or limit the list of conventional pollutants to which this surcharge system applies based upon the plant's capacity/ability to effectively remove particular conventional pollutants. In the event that a conventional pollutant is within the scope of the surcharge system as it exists at the time of discharge, then such conventional pollutant discharge shall not be considered a violation of this Part. However, any failure to pay the surcharge cost for the plant's removal of the pollutant shall itself be considered a violation of this Part and subject to enforcement action, in addition to all generally held rights of collection.

(Ord. 902, 9/20/1993)

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K. Administrative Remedies.

§18-391. Notification of Violation.

When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plant may serve upon that user a written notice of violation. The specific manner in which such notice of violation shall issue and the terms and conditions pursuant to which the user shall respond or correct the violation complained of shall be as set forth in the Enforcement Response Guide. When the notice of violation includes a plan for dissatisfactory correction and prevention of the violation, submission of such 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 Ambler Wastewater Treatment Plant to take any action, including emergency action or any other enforcement action, without first issuing a notice of violation.

(Ord. 902, 9/20/1993, §10A.1)

§18-392. Consent Orders.

Ambler Wastewater Treatment Plant 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 effect as the administrative orders authorized elsewhere in this Section of this Part and shall be judicially enforceable.

(Ord. 902, 9/20/1993, §10A.2)

§18-393. Show Cause Hearing.

1. Ambler Wastewater Treatment Plant may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before Ambler Wastewater Treatment Plant 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 mail 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.

2. Any hearing conducted pursuant to this Section shall be presided over by the Ambler Joint Wastewater Treatment Plant Committee (hereinafter "Committee"), composed of five persons, one person designated by each member municipality, why the proposed enforcement action should not be taken. In the event that any municipality fails to designate a hearing participant, then the Borough of Ambler shall designate an individual to so serve. The Committee may itself conduct a hearing and take the evidence or may designate any of its members or any officer or employee of Ambler or Ambler Wastewater Treatment Plant to:
 - A. Issue in the name of the Committee, notices of hearing 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 the Committee for action thereon.
3. 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 or any party to the hearing upon payment of the usual charges thereof.
4. After the Committee has reviewed the evidence, it may issue an order, through the Manager (who shall actually issue the 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.
5. Any user aggrieved by the enforcement of this Part may take an appeal to the Court of Common Pleas of Montgomery County, Pennsylvania, in accordance with the provisions of the Local Agency Law, 2 Pa.C.S.A., §105 et seq., and have a hearing thereon if the appeal is taken within 15 calendar days of the user's receipt of any order or notice under the applicable Section. The hearing shall be conducted in accordance with the procedures set forth in §18-344 hereof.

(Ord. 902, 9/20/1993, §10A.3)

§18-394. Compliance Order.

When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plan may issue an order to the user responsible for the discharge directing

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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.

(Ord. 902, 9/20/1993, §10A.4)

§18-395. Cease and Desist Orders.

1. When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, 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, Ambler Wastewater Treatment Plant may issue an order to the user directing it to cease and desist all such violations and directing the user to:
 - A. Immediately comply with all requirements.
 - B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.
2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other against the user.

(Ord. 902, 9/20/1993, §10A.5)

§18-396. Administrative Fines.

1. When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plant may fine such user in an amount not to exceed \$25,000 or any greater amount which might be permitted by amendment to the POTW penalty law. 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. The actual amount of the fine in a particular case shall account for the factors set forth in the Enforcement Response Guide and also Ambler Wastewater Treatment Plant's separately adopted statement of policy on the imposition of fines pursuant to the POTW penalty law.

2. Unpaid charges, fines and penalties shall, after 30 calendar days, be assessed an additional penalty of 6% of the unpaid balance and interest shall accrue thereafter at a rate of 6% per month. A lien against the user's property will be sought for unpaid charges, fines and penalties.
3. Users desiring to dispute such fines must file a written request for Ambler Wastewater Treatment Plant 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, Ambler Wastewater Treatment Plant may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. Ambler Wastewater Treatment Plant may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.
4. Issuance of an administrative fine shall not be a bar against or a prerequisite for taking any other action against the user.

(Ord. 902, 9/20/1993, §10A.6)

§18-397. Emergency Suspensions.

1. Ambler Wastewater Treatment Plant 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. Ambler Wastewater Treatment Plant 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.
 - A. 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, Ambler Wastewater Treatment Plant may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream or endangerment to any individuals. Ambler Wastewater Treatment Plant may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of Ambler Wastewater Treatment Plant that the period of endangerment has passed, unless the termination proceedings in §18-398 of this Part are initiated against the user.
 - B. 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 occurrence to Ambler Wastewater Treatment Plant prior to

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the date of any show cause or termination hearing described elsewhere in this Section of the Part.

2. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(Ord. 902, 9/20/1993, §10A.7)

§18-398. Termination of Discharge.

1. In addition to the provisions in Subpart 3E of this Part, any user who violates the following conditions is subject to discharge termination:
 - A. Violation of wastewater discharge permit conditions.
 - B. Failure to accurately report the wastewater constituents and characteristics of its discharge.
 - C. Failure to report significant changes in operation or wastewater volume, constituents and characteristics prior to discharge.
 - D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring or sampling.
 - E. Violation of the pretreatment standards in Part 3B of this Part.
2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §18-393 of this Part why the proposed action should not be taken. Exercise of this option by Ambler Wastewater Treatment Plant shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 902, 9/20/1993, §10A.8)

L. Judicial Enforcement Remedies.

§18-399. Injunctive Relief.

When Ambler Wastewater Treatment Plant finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, Ambler Wastewater Treatment Plant may petition the Court of Common Pleas of Montgomery County, through the attorney for Ambler Wastewater Treatment Plant, 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 Part on activities of the user. Ambler Wastewater Treatment Plan 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.

(Ord. 902, 9/20/1993, §10B.1)

§18-399.01. Civil Penalties.

In the event that Ambler Wastewater Treatment Plant is required to seek court redress, for violations of this Part, then all amounts recoverable elsewhere herein as administrative fines shall be recoverable as civil penalties, attorney's fees, court costs and related expenses shall also be recoverable. Filing suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(Ord. 902, 9/20/1993, §10B.2)

§18-399.02. Criminal Prosecution.

In the event that any discharge or other violation of this Part constitutes a violation of any criminal or penal statute, then in addition to all enforcement remedies described elsewhere in this Part, Ambler Wastewater Treatment Plant or Ambler or the other participating municipalities shall have the unfettered right to initiate and/or assist in any State or Federal criminal proceedings as a result of such violation. Examples of criminal conduct in connection with a violation include, but are not limited to, knowing or intentional introduction of any substance into the Ambler Wastewater Treatment Plant which causes injury to persons or property, otherwise undertaking any act or failing to undertake any act which recklessly endangers the well-being of the community or plant personnel, falsification of documents required to be filed pursuant to this Part and tampering with or otherwise rendering inaccurate a monitoring device or similar equipment.

(Ord. 902, 9/20/1993, §10B.3)

§18-399.03. Remedies Nonexclusive.

The remedies provided for in this Part are no exclusive. Ambler Wastewater Treatment Plant may take any, all or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with Ambler Wastewater Treatment Plant's enforcement response plan. However, Ambler Wastewater Treatment Plant may take other action against any user when the circumstances warrant. Further, Ambler Wastewater Treatment Plant is empowered to take more than one enforcement action against any noncompliant user.

(Ord. 902, 9/20/1993, §10B.4)

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M. Supplemental Enforcement Action.

§18-399.11. Performance Bonds.

Ambler Wastewater Treatment Plant may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, 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 Ambler Wastewater Treatment Plant, in a sum not to exceed a value determined by Ambler Wastewater Treatment Plant to be necessary to achieve consistent compliance.

(Ord. 902, 9/20/1993, §11.1)

§18-399.12. Liability Insurance.

Ambler Wastewater Treatment Plant may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, 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.

(Ord. 902, 9/20/1993, §11.2)

§18-399.13. Water Supply Severance.

Whenever a user has violated or continues to violate any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

(Ord. 902, 9/20/1993, §11.3)

§18-399.14. Public Nuisance.

A violation of any provision of this Part, a wastewater discharge permit or order issued hereunder or any other pretreatment standard or requirement may separately be declared as a public nuisance to the extent that it constitutes such nuisance as defined by Pennsylvania law or Borough ordinance.

(Ord. 902, 9/20/1993, §11.4)

N. Affirmative Defenses to Discharge Violations.

§18-399.21. Upset.

1. For the purpose of this Section, “upset” means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance or careless or improper operation.
2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards, if the requirements of Subsection (3) below are met.
3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that:
 - A. An upset occurred and the user can identify the cause(s) of the upset.
 - B. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.
 - C. The user has submitted the following information to Ambler Wastewater Treatment Plant within 24 hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five days)
 - (1) A description of the indirect discharge and cause of noncompliance.
 - (2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.
 - (3) Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.
4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards upon reduction, loss or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This re-

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quirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost or fails.

(Ord. 902, 9/20/1993, §12.1)

§18-399.22. Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §18-311(1) of this Part or the specific prohibitions in §18-311(2) of this Part if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass-through or interference and that either:

- A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to and during the pass-through or interference.
- B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when Ambler Wastewater Treatment Plan was regularly in compliance with its NPDES permit and, in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(Ord. 902, 9/20/1993, §12.2)

§18-399.23. Bypass.

1. For the purposes of this Section:
 - A. "Bypass" means the intentional diversion of waste streams from any portion of a user's treatment facility.
 - B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of Subsection (3) and (4) of this Section.
3. Need For and Oral Notice of Bypass.

- A. If a user knows in advance of the need for a bypass, it shall submit prior notice to Ambler Wastewater Treatment Plant, at least 10 days before the date of the bypass, if possible.
 - B. A user shall submit oral notice to Ambler Wastewater Treatment Plant of an unanticipated bypass that exceed applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within five days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause, the duration of the bypass, including exact dates and times and, if the bypass has not been corrected, the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent reoccurrence of the bypass. Ambler Wastewater Treatment Plant may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
4. Bypass Prohibited.
- A. Bypass is prohibited and Ambler Wastewater Treatment Plant may undertake an enforcement action against a user for a bypass, unless:
 - (1) Bypass was unavoidable to prevent loss of life, personal injury or severe property damage.
 - (2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - (3) The user submitted notices as required under Subsection (3) of this Section.
 - B. Ambler Wastewater Treatment Plant may approve an anticipated bypass, after considering its adverse effects, if Ambler Wastewater Treatment Plant determines that it will meet the three conditions listed in Subsection (4) of this Section.

(Ord. 902, 9/20/1993, §12.3)

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O. Building Sewers and Connections.

§18-399.31. Building Sewers and Connections.

1. No unauthorized persons (i.e., persons other than personnel of Ambler Borough, Ambler Wastewater Treatment Plant, the participating municipalities or their agents) shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Manager.
2. There shall be two classes of building sewer permits:
 - A. For residential and commercial service.
 - B. For service to industrial users.

In either case, the owner or his agent shall make application on a special form furnished by Ambler. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of Ambler. A permit and inspection fee for a residential or commercial building sewer permit and for an industrial building sewer permit shall be paid to Ambler at the time the application is filed. All building sewer permit applications under Subsection (B), above, shall be reviewed and approved in writing by Ambler prior to permit issuance. Permit and inspection fees for sewer permits shall be in such amounts as may be established, from time to time, by Ambler through resolution.

3. All costs and expenses incidental to the installation, connection and maintenance of the building sewer shall be borne by the owner or user, who shall indemnify Ambler from any loss or damage that may directly or indirectly be caused by the installation of the building sewer.
4. A separate and independent building sewer shall be provided for every building or any part of any building as may be determined by Ambler.
5. Old building sewers may be used in conjunction with new buildings only when they are found, upon examination and test by Ambler, to meet all requirements of this Part.
6. The size, slope, alignment, materials or construction of a building sewer and the methods to be used in excavating, placing of the pipe, jointing, testing and back-filling the trench shall conform to the requirements of the Building and Plumbing Codes [Chapter 5] and/or other applicable rules and regulations of Ambler. In the absence of code provisions or in amplification therefore, the materials and procedures set forth in appropriate specifications of the ASTM and WPCF Manual of Practice No. nine shall apply.
7. In order to prevent grease, oil and sand from being discharged into the public sewage system, all hospitals, nursing homes, hotels, restaurants and any other es-

tablishments engaged in the preparation, processing or sale of food shall install and properly maintain one or more grease traps of a type and capacity approved by Ambler and same shall be located so as to be readily and easily accessible for cleaning and inspection. If any other user in the opinion of Ambler discharges a quantity, oil or sand in its sewage so as to warrant the installation and maintenance of one or more grease traps, same shall be installed and maintained in accordance with these regulations at the direction of Amber.

8. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by a method approved by Ambler and discharged to the building sewer.
9. No person shall make connection of sump pumps, roof downspouts, foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a POTW unless such connection is approved in writing by Ambler for purposes of disposal of polluted surface drainage.
10. The connection of the building sewer into the POTW (which for purposes of this Part includes the distribution system) shall conform to the requirements of the Building and Plumbing Code [Chapter 5] or other applicable rules and regulations set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by Ambler before installation.
11. The applicant for the building sewer permit shall notify the Manager when the building sewer is ready for inspection and connection to the POTW. The connection to the public sewer and testing shall be made under the supervision of the Manager or his representative.
12. All excavations for building sewer installations shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to Ambler.
13. No excavation, construction or connection work shall be commenced within an Ambler right-of-way until the owner, his agents and/or independent contractor shall have first filed a bond in double the amount of the cost of the work to be performed as determined by Ambler, agreeing to indemnify and save harmless Ambler against any and all loss, damages, costs and expenses which Ambler may thereafter suffer, incur or pay by reason of the failure to complete properly any of the aforesaid excavation, construction or connection work.
14. The term "owner" as used herein shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers of the premises, users and all oth-

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er parties having a use or interest in the premises and occupying the same with or without the consent and permission of the owner of the fee title.

15. Sanitary sewers installed with unused points of connection for building sewers shall have said points of connection capped for watertight integrity prior to connection of the building sewer. The method of capping shall be one approved by the Manager.

(Ord. 902, 9/20/1993, §13)