

ORDINANCE NO. 649

AN ORDINANCE OF CONEMAUGH TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA, WHICH PROHIBITS INTRODUCTION OF POLLUTANTS INTO THE MUNICIPALITY WASTEWATER SYSTEM AND PROVIDES FOR THE EQUITABLE DISTRIBUTION OF THE COST OF THE MUNICIPAL WASTEWATER SYSTEM.

SECTION 1 GENERAL PROVISIONS

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for direct and indirect contributors into the wastewater collection systems in Conemaugh Township and the treatment systems both for the City of Johnstown and its suburbs and treatment system for Conemaugh Township and enables the owner of the respective treatment system 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).

The objectives of this Ordinance are:

- (a) To prevent the introduction of pollutants into the municipality wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
- (b) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
- (c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
- (d) To provide for equitable distribution of the cost of the municipal wastewater system.

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

This Ordinance shall apply to all users of Public sewers in Conemaugh Township, whether connected to systems tributary to the City of Johnstown Dornick Point STP or to individual plants owned and operated by Conemaugh Township. Except as otherwise provided herein, the Director of the City Bureau of Sewage shall administer, implement, and enforce the provisions of this Ordinance as it relates to users tributary to the Dornick Point STP, and the Manager of the Conemaugh Township Sewer Department shall administer, implement, and enforce the provisions of this Ordinance as relates to all other users.

1.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated:

- (1) 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.
- (2) Approval Authority. The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.
- (3) Authorized Representative of Industrial User. An authorized representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; and (3) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.
- (4) Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, 5 days at 20 centigrade expressed in terms of weight and concentration (milligrams per liter (mg/l)).
- (5) Building Sewer. A sewer conveying wastewater from the premises of a user to the POTW.
- (6) Categorical Standards. National Categorical Pretreatment Standards or Pretreatment Standard.
- (7) City or Township. The City of Johnstown or Township of Conemaugh as the operator of the sewage treatment plant receiving the users sewage as the case may appear from context.
- (8) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.
- (9) Control Authority. The term "control authority" shall refer to the "Approval Authority", defined hereinabove; or the Director, if the City or Township has an approved Pretreatment Program under the provisions of 40 CFR, 403.11.
- (10) Direct Discharge. The discharge of treated or untreated wastewater directly to the waters of the State of Pennsylvania.
- (11) Director of Bureau of Sewage or Sewer Department (Director). The person designated by the City, or Conemaugh Township, as the case may appear from context, to supervise the operation of the publicly owned treatments works which receives the sewage under question and who is charged with certain duties and responsibilities by this article, or his duly authorized representative.

(12) Environmental Protection Agency, or 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.

(13) 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.

(14) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(15) Indirect Discharge. The discharge or the introduction of non-domestic pollutants from any source regulated under Section 304(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).

(16) Industrial User. A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).

(17) Interference. The inhibition or disruption of the POTW treatment processes or operations which contributes to a violation of any requirement of the City's NPDES Permit or Conemaugh Township's NPDES Permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent state criteria, (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the POTW.

(18) National Categorical Pretreatment Standard or Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the E.P.A. in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) and 40 CFR Subchapter N, Parts 401-471, which applies to a specific category of Industrial User.

(19) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

(20) New Source. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section, provided that:

- (i) The building, structure, facility or installation is constructed at a site at which no other source is located; or

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(21) National Pollution Discharge Elimination System or NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

(22) Pass Through. A discharge which exits the POTW into waters of the United States in quantities or concentrations which alone or in concentration with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit.

(23) Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or 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.

(24) PH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

(25) Pollutant. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of solution.

(26) Pollution. 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 and industrial, municipal, and agricultural waste discharged into water.

(27) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutant; obtained by physical, chemical or biological processes or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

(28) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

(ii) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(iii) The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

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(27) Pretreatment or Treatment. The reduction of the amount of pollutants, the elimination of pollutants, or wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutant; obtained by physical, chemical or biological processes or process changes other means, except as prohibited by 40 CFR Section 403.6(d).

(28) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an Industrial User.

(29) Publicly Owned Treatment Works (POTW). A treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) owned in this instance is the facility currently operated by the City of Johnstown, Bureau of Sewage at Dornick Point, as well as any Sewage treatment Plant owned and operated by the Township of Conemaugh. This definition 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 Ordinance, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the (city or township, as the case may be) who are, by contract or agreement with the (city or township), or ruling of the Pennsylvania Public Utilities Commission, users of the (city's or township's) POTW.

(30) POTW Treatment Plant. That portion of the POTW designed to provide treatment to wastewater.

(31) Shall is mandatory. May is permissive.

(32) "Significant Industrial User" means any industrial user of the wastewater disposal system who (i) is subject to National Categorical Pretreatment Standards; or (ii) is a non-categorical industrial user that has a discharge flow of 25,000 gallons per day or more of process wastewater; or (iii) contributes a process waste stream which makes up five percent or more of the dry weather hydraulic or organic capacity of the POTW; or (iv) is found by the owner of the POTW to have a reasonable potential to adversely affect the operation of the POTW or to violate any pretreatment standard of the City, Township or the E.P.A.

(33) State. State of Pennsylvania.

(34) Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the resident, Office of Management and Budget, 1972.

(35) Storm Water. Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(36) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water wastewater or other liquids, and which is removable by laboratory filtering.

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

(38) User. Any person who contributes, causes or permits the contribution of wastewater into the City's or Township's POTW.

(39) Wastewater. The liquid and water-carried industrial or domestic wastes from dwelling, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water or storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(40) Wastewater Contributions Permit. As set forth in Section 4.2 of this Ordinance.

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

(42) PWTA - Public Wastewater Treatment Authority. The City of Johnstown Bureau of Sewage, the Johnstown Redevelopment Authority, or the Township of Conemaugh as the case may be.

(43) SUO - Sewer Use Ordinance, all those ordinances of the Governing Body of Conemaugh Township, Somerset County and of the City of Johnstown, Cambria County, adopting regulation or setting rules regarding the use of the sewage collection or treatment systems.

1.3 Abbreviations

The following abbreviations shall have the designated meanings:

- (1) BOD - Biochemical Oxygen Demand.
- (2) CFR - Code of Federal Regulations.
- (3) COD - Chemical Oxygen Demand.
- (4) EPA - Environmental Protection Agency.
- (5) l - Liter.
- (6) mg - Milligrams.
- (7) mg/l - Milligrams per liter.
- (8) NPDES - National Pollutant Discharge Elimination System.
- (9) POTW - Publicly Owned Treatment Works.
- (10) SIC - Standard Industrial Classification.
- (11) SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
- (12) USC - United States Code.

- (13) TSS - Total Suspended Solids.
- (14) PUC - Pennsylvania Public Utility Commission.
- (15) PWTA - Public Wastewater Treatment Authority.
- (16) SUO - Sewer Use Ordinance.

SECTION 2 - REGULATIONS

2.1 General Discharge Prohibitions

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of a POTW whether or not the User is subject to National Categorical Pretreatment Standards or Requirements. A User may not contribute the following substances to any POTW:

- (a) Any liquids, solids or gases which are by reason of their nature or quantity, are, or may be sufficient, either alone or by interjection with other substances, to cause fire or explosion or be injurious in any other way to the POTW or to the operation of the POTW. The discharge of waste streams with a closed cup flash point of less than 140 degrees Fahrenheit is prohibited. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or any point in the system) be more than five percent nor any single reading be over ten percent of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, and sulfides.
- (b) Solid or viscous substances which may cause an obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than one-half inch to dry 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, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes, or the discharge of petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in an amount in excess of 100 milligrams per liter.
- (c) Any wastewater having a PH less than 6.0 or higher than 9.0.
- (d) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or to exceed the limitation set forth in a

Categorical Pretreatment Standard. A toxic pollutant shall include but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

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

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

(g) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards.

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

(i) Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 C (104 F) unless the POTW treatment plant indicates in writing its ability to accommodate such temperature.

(j) Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause interference to the POTW. In no case shall a slug load have a flow rate or contain concentration or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration, quantities, or flow during normal operation.

(k) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.

(l) Any wastewater which causes a hazard to human life or creates a public nuisance.

(m) The results of all inspections, whether a violation is found or not, shall be submitted in writing to the Contributing Municipality within 1 week of the inspection.

(n) Any discharge causing interference at the POTW.

(o) All wastewater entering the sanitary sewerage system shall be pretreated to typical domestic levels unless otherwise stated in writing by the PWTA by way of Significant Industrial User Permit. Typical domestic levels and specific pollutant limitations may become necessary periodically due to changing NPDES requirements, required reevaluations of the local limits analysis, listed above, or other reasons. At such times that it becomes necessary, modified local limits will be established and formally adopted by the PWTA after the modifications have been approved by the Approval Authority (USEPA). After formal adoption by the PWTA, the new modifications become automatic in this SUO. A revised Appendix A will be issued by the PWTA for inclusion in this SUO as a replacement. No formal adoption process by this governmental body is necessary for the new specific pollutant limitations to become effective and part of this SUO.

When the Director determines that a User(s) is contributing to the POTW, any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Director shall: 1) Advise the User(s) of the impact of the contribution on the POTW; and 2) Develop effluent limitation(s) for such User to correct the interference with the POTW. Contributing Municipality shall be advised of any such actions taken or contemplated.

(p) Pollutants which result in the presence of the toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

(q) Any trucked or hauled waste without prior approval of the POTW, and at the discharge point designed by the POTW.

2.2 Promulgation of Federal Categorical Pretreatment Standard.

Upon the promulgation of Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this Ordinance for sources in that subcategory, shall immediately supersede the limitations imposed under this Ordinance. The Director shall notify all affected users of the applicable reporting requirements under 40 CFR, Section 403.12, and of any new or revised categorical standards as promulgated by the E.P.A.

2.3 Modification of Federal Categorical Pretreatment Standards

Where the POTW achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the POTW may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The POTW may then modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements

contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

2.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Ordinance.

2.5 City's and Township's Right of Revision

The City and Township reserve the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objective presented in Section 1.1 of this Ordinance.

2.6 Excessive Discharge

No User shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other pollutant-specific limitation developed by the POTW or State. (Comment: Dilution may be an acceptable means of complying with some of the prohibitions set forth in Section 2.1, e.g. the ph prohibition, use of dilution must be approved in advance by the Director of the POTW.

2.7 Accidental Discharges

Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the POTW operator for review, and shall be approved by the POTW operator before construction of the facility. All existing Users shall complete such a plan by May 1, 2003. No user who commences contribution to the POTW after the effective date of this Ordinance shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the PTWA. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of this Ordinance. In the case of an accidental discharge, it is the responsibility of the User to immediately telephone and notify the POTW of the incident. The notifications shall include location of discharge, type of waste, concentration and volume, and corrective actions.

Written Notice Within 5 days following an accidental discharge: the User shall submit to the Contributing Municipality and the Director of the POTW a detailed written report describing the cause 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, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this article or other liability which may be imposed by this article or other

applicable law.

Notice to Employees: A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall insure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this chapter to provide for the recovery of costs from Users of the wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Schedule of Charges and Fees.

The PWTA may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the POTW's Pretreatment Program;
- (b) Fees for monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the POTW of pollutants otherwise subject to federal Pretreatment Standards; and
- (g) Other fees as the POTW may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the POTW or Contributing Municipality for treatment, collection, and/or supervision.

SECTION 4 - ADMINISTRATION

4.1 Compliance with Discharge Requirements.

It shall be unlawful to discharge without a PWTA Permit to any natural outlet within the operating area of the POTW, or in any area under the jurisdiction of same, and/or to the POTW any wastewater except as authorized by the Director in accordance with the provisions of this Ordinance. It shall be unlawful for an existing user of the POTW to change the character or volume of its discharge where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW operator to violate its NPDES permit.

4.2 Wastewater Contribution Permits

4.2.1 General Permits

All significant Users proposing to connect to or to contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall obtain a Wastewater Contribution Permit within 180 days after the effective date of this Ordinance.

4.2.2 Permit Application

Users required to obtain a Wastewater Contribution Permit shall complete and file with the POTW operator, and the Contributing Municipality, an application in the form prescribed by the POTW operator and accompanied by the appropriate fee, payable to the POTW operator. Existing Users shall apply for a Wastewater Contribution Permit within 90 days after the effective date of this Ordinance, and proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

- (a) Name, address, and location. (if different from the address);
- (b) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
- (c) Wastewater constituents and characteristics including but not limited to those mentioned in Section 2 of this Ordinance as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (d) Time and duration of contribution;
- (e) Average daily and 30 minute peak wastewater flow rates, including daily, monthly and seasonal variations if any;
- (f) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location and elevation;
- (g) Description of activities, facilities and plant processes on the premises including all materials which are or could be discharged;
- (h) Where known, the nature and concentration of any pollutants in the discharge which are limited by any City, Township, State, or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and if not, whether additional Operation and Maintenance (O & M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;

(i) If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards; the **shortest schedule** by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

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

(2) No increment referred to in paragraph (1) shall exceed 9 months.

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

(j) Each product produced by type, amount, process or processes and rate of production;

(k) Type and amount of raw materials processed (average and maximum per day);

(l) Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and

(m) Any other information as may be deemed by the POTW operator to be necessary to evaluate the permit application.

(n) Within thirty (30) days following the filing of the permit application the Contributing Municipality may review all materials, data and facts submitted for consideration in the application. The Contributing Municipality may make recommendations in detail wherein public necessity, convenience and general welfare do or do not justify the grant of the permit. If the Contributing Municipality fails to file such recommendations, it shall be presumed that the Contributing Municipality has no objections to the grant of the permit. In any event, the recommendations of the Contributing Municipality shall be regarded as advisory in nature and shall not be binding on the POTW.

The POTW operator will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City or Township may issue a Wastewater Contribution Permit subject to terms and conditions provided herein.

4.2.3. Wastewater Contribution Permits - Permit Modification

Within 3 months of the promulgation of a National Categorical Pretreatment Standard, the Wastewater Contribution Permit of User subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a User subject to a National Categorical Pretreatment Standard has not previously submitted an application for a Wastewater Contribution Permit as required by 4.2.2, the User shall apply for a Wastewater Contribution Permit within 90 days after the promulgation of the applicable national categorical pretreatment standard. In addition, the user, with an existing wastewater contribution permit shall submit to the Director of the Bureau of Sewage or Sewer Department within 90 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by paragraph (h) and (i) of Section 4.2.2.

4.2.4 Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, User charges and fees established by the POTW operator. Permits may contain the following:

- (a) The unit charge or schedule of User charges and fees for the wastewater to be discharged to a community sewer;
- (b) Limits on the average and maximum wastewater constituents and characteristics;
- (c) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization.
- (d) Requirements for installation and maintenance of inspection and sampling facilities;
- (e) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (f) Compliance schedules;
- (g) Requirements for submission of technical reports or discharge reports (see 4.3);
- (h) Requirements for maintaining and retaining plant records relating to wastewater discharge as specified by the City or Township, and affording the City or Township access thereto;

(i) Requirements for notification and approval of the POTW operator of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.

(j) Requirements for notification of slug discharges as per 5.2;

(k) Other conditions as deemed appropriate by the City or Township to ensure compliance with this Ordinance.

4.2.5 Permits Duration

Permits shall be issued for a specified time period not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The user shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing permit. The terms and conditions of the permit may be subject to modification by the POTW operator during the term of the permit as limitations or requirements as identified in Section 2 are modified or other just cause exists. The User shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

4.2.6 Permit Transfer

Wastewater Discharge Permits are issued to a specific User for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of the POTW operator. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit. The Contributing Municipality shall be notified of such transfer by the User.

SECTION 4.3 Reporting Requirements for Permittee

4.3.1 Compliance Date Report

Within 90 days following the date for final compliance with applicable Pretreatment Standards or, in the case of a new source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards and Requirements shall submit to the Director a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards and Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O & M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This statement shall be signed by an authorized representative of the Industrial User, and certified to by a qualified professional.

4.3.2 Periodic Compliance Reports

(1) Any user subject to a pretreatment standard, after the compliance date of such pretreatment standards, or, in the case of a new source, after commencement of the discharge into the POTW, shall submit biannual reports to the Director, unless required more frequently in the pretreatment standard or by the Director, indicating the nature, concentration and flow of the pollutants in the effluent which are limited by such pretreatment standards. All significant non-categorical industrial users are also required to submit such biannual reports detailing the nature, concentration and flow of pollutants that are outlined in their Wastewater Discharge Permits and, for users tributary to the Dornick Point STP, the City of Johnstown Local Discharge Limits. Section 1042.16(e)(14), City Ordinance No. 4537, and as shown on Exhibit A-1 for users tributary to POTW's owned and operated by Conemaugh Township. All baseline monitoring reports, ninety-day compliance reports, or biannual status report on continued compliance must be signed by a duly authorized representative of the industrial user and must include the Certification Statement set forth in CFR 403.6(a)(2)(ii).

(2) The Director may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by subparagraph (1) of this paragraph shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Director, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be prescribed in the applicable Pretreatment Standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator. Where 40 CFR, Part 136 does not include a sampling or analytical technique for the pollutant in question sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, Sampling and Analysis Procedures for Screening of Industrial Effluents for priority Pollutants, April, 1977, and amendments thereto, or with any other sampling and analytical procedures approved by the Administrator.

(3) All analyses of sewage effluent performed by or on behalf of any industrial user of the system must be reported in writing to the Director.

(4) All industrial users shall notify the POTW, the E.P.A. Regional Waste Management Division Director, and PA D.E.R. Hazardous Waste Authorities in writing of any discharge into the POTW of a substance which would be a hazardous waste under 40 CFR, Part 261, and detail the name, hazardous waste number, and type of discharge. If the discharge is greater than 100 KG per calendar month, the industrial user shall also make known the hazardous

constituents contained in the wastes, and estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month and during the following twelve months.

All notifications must take place within 180 days of promulgation of 40 CFR 403.12, or in the case of new discharges, within 180 days after the discharge of the listed or characteristic hazardous waste. Any notification need be submitted only once for each hazardous waste discharged. Any changed discharges must be promptly brought to the attention of the POTW.

Dischargers of less than 15 Kg of hazardous wastes per calendar month are exempt from reporting requirements, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.301(d) and 261.33(e). Discharge of more than 15 Kg of non-acute hazardous wastes in a calendar month or of any quantity of acute hazardous waste requires a one-time notification.

Any industrial user that requires notification under this Section 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.

4.4 Monitoring Facilities

The POTW operator may require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the operator may, when such a location would be impractical or cause undue hardship on the User, with the concurrence by resolution of the geographic municipality 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 operating condition at the expense of the User.

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

4.5 Inspection and Sampling.

The POTW operator shall inspect the facilities of any User to ascertain whether the purposes of this Ordinance are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the POTW operator or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of any of their duties. The POTW operator, Approval Authority, and where the State is the Approval Authority, the E.P.A. shall have the right to set up

on the User's property such devices as are necessary to conduct sampling inspections, compliance monitoring and/or metering operations; and shall have the right to copy records and reports of the industrial users.

4.6 Pretreatment

Users shall provide necessary wastewater treatment as required to comply with this Ordinance and shall achieve compliance with all Federal categorical pretreatment standards within the time limitations specified by the Federal pretreatment regulations. Any facilities required to pretreat wastewater to a level acceptable to the City or Township shall be provided, operated and maintained at the user's expense. Detailed plans showing pretreatment facilities and operating procedures shall be acceptable to the City or Township before construction of the facility. The review of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the City or Township under this Ordinance. Any subsequent changes in the pretreatment facilities or methods of operation shall be reported to and be acceptable to the City or Township prior to the user's initiation of the changes.

The City and Township shall annually publish in the JOHNSTOWN TRIBUNE-DEMOCRAT newspaper a list of industrial users which, at any time during the previous twelve months, were in significant noncompliance with its pretreatment requirements. An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

- Chronic violations of wastewater discharge limits, in which sixty-six percent or more of all of the measurements taken during a six-month period exceed the daily maximum limit or the average limit for the same pollutant parameter;
- Technical Review Criteria (TRC) violations, in which thirty-three percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, oil and grease, and 1.2 for all other pollutants except PH);
- Any other violation of a pretreatment effluent limit that the City or Township determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of the City of Johnstown's Wastewater Treatment Plant's personnel or the Conemaugh Township's Wastewater Treatment Plant's personnel or the general public);
- Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the City of Johnstown's or Conemaugh Township's exercise of its emergency authority to halt or prevent such a discharge;
- Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.

- Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, 90-day self-monitoring reports, and reports on compliance with compliance schedules;
- Failure to accurately report noncompliance;
- Any other violation which the City or Conemaugh Township determines will adversely affect the operation or implementation of the pretreatment program.

All records relating to compliance with pretreatment standards shall be made available to officials of the E.P.A. or the approval authority upon request.

4.7 Confidential Information.

Information and data on a User obtained from reports, questionnaires, permit applications, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction. If the User specifically requests and is able to demonstrate to the satisfaction of the POTW operator that the release of certain portions of a report might disclose trade secrets or secret processes, those sections shall not be made available for inspection by the public. However, all information and data provided by Industrial Users shall be made available to the E.P.A. as provided by Section 308 of the Clean Water Act, 33 U.S.C. 1317.

SECTION 5 - ENFORCEMENT

5.1 Harmful Contributions

The POTW operator may suspend the wastewater treatment service and/or a Wastewater Contribution Permit when such suspension is necessary, in the opinion of the POTW operator, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the POTW operator to violate any condition of its NPDES Permit. Upon such action, the POTW operator shall immediately notify the Contributing Municipality.

Any person notified of a suspension of the wastewater treatment service and/or the Wastewater Contribution Permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the POTW operator shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The POTW operator shall reinstate the Wastewater Contribution Permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the POTW operator and the Contributing Municipality within 15 days of the date of occurrence.

5.2 Revocation of Permit

Any User who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having his permit revoked in accordance with the procedures of Section 5 of this Ordinance:

- (a) Failure of a User to factually report the wastewater constituents and characteristics of his discharge;
- (b) Failure of the User to report significant changes in operations, or wastewater constituents and characteristics;
- (c) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring; or,
- (d) Violation of any condition of the permit.

5.3 Notification of Violation

Whenever the POTW operator finds that any User has violated or is violating this Ordinance, wastewater contribution permit, or any prohibition, limitation of requirements contained herein, the POTW operator must serve upon such person and the Contributing Municipality, a written notice stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the POTW operator by the User.

5.4 Show Cause Hearing

5.4.1 Show Cause and Appeal

The POTW operator may order any User who causes or allows an unauthorized discharge to enter the POTW to show cause before the Governing Body of the municipality operating the POTW, why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Governing Body regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the User to show cause before the Governing Body why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) on the User and the Contributing Municipality at least 10 days before the hearing. Within 5 days of the hearing, the user must submit a Two Hundred and 00/100 (\$200.00) Dollar bond to defray the expenses of the hearing. Service may be made on any agent or officer of a corporation.

5.4.3 Transcript

At any hearing held pursuant to this Ordinance, 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.

5.4.4 Order

After the Governing Body has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

5.5 Legal and Equitable Remedies.

If any person discharges sewage, industrial wastes or other wastes into the POTW operator's wastewater disposal system contrary to the provisions of this Ordinance, Federal or State Pretreatment Requirements, or any Wastewater Contributor Permits issued by the POTW operator; or if any person fails to submit required monitoring or compliance reports; or refuses to allow any authorized representative of the POTW operator to enter and inspect the premises of the industrial user, the POTW operator may commence an action for appropriate legal and/or equitable relief in the County Court of Common Pleas or through an appropriate order of the Public Utilities Commission.

SECTION 6 - PENALTY: COSTS

6.1 Penalties.

The POTW operator shall have the authority to seek civil and criminal penalties and injunctive relief for noncompliance by any user. An Industrial User found to be in compliance with any provision of this Ordinance, and the orders, rules, regulations and permits issued hereunder shall be fined not less than \$1,000 a day nor more than \$25,000.00 a day for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the POTW operator may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit of law against the person found to have violated this Ordinance or the orders, rules, regulations and permits issued hereunder.

6.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Ordinance, or Wastewater Contribution Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance, shall, upon conviction, be punished by a fine of not more than Five Hundred and 00/100 (\$500.00) Dollars or by imprisonment for not more than 6 months, or by both.

6.3 Enforcement Response Plan

An Enforcement Response Plan, as approved by E.P.A. shall be implemented by the City's Bureau of Sewage or the Township's Sewer Department to formalize the enforcement procedures to be followed for all persons and users of the City's or

Township's wastewater disposal system that fail to maintain compliance with the provisions of this Ordinance, Federal, State, or local government regulations, Wastewater Discharge Permits, or the guidelines of the Industrial Pretreatment Program. Director shall be empowered to utilize all provisions of enforcement, as mandated by the E.P.A., in its administration of the Industrial Pretreatment Program, that are Notices of Violation, Administrative Orders, Compliance Schedules, Administrative Fines, Show Cause Hearings, Injunctive Relief, and Service Termination.

SECTION 7 - TRUCKED INDUSTRIAL WASTE

(a) All persons desiring to transport and discharge holding tank waste, septage or trucked industrial waste, shall apply for a Waste Hauler License with the City Bureau of Sewage or Township Sewer Department. Such application shall consist of:

(1) Name, address, location, phone number.

(2) Vehicle information - including make, year, model, license number, and waste volume capacity of each vehicle which will be utilized, and total number of vehicles owned.

(3) A description and analysis of wastes to be discharged at the Treatment Plant.

(4) A list of permits held by the applicant for the generation, transportation, or disposal of wastes.

(5) An estimate of the total maximum volume of waste to be discharged daily at the Treatment Plant.

(b) Waste Hauler Licenses shall contain the following terms and conditions:

(1) Maximum discharge rate.

(2) Term of license.

(3) Specific limitation and requirements of wastewater and septages.

(c) Waste Hauler Licenses shall be issued for a time period not to exceed one year.

(d) The acceptance of trucked wastes is based solely on the ability of the Wastewater Treatment Facility to assimilate those wastes without potential of interference or pass through. All trucked wastes must be within the acceptable ranges of local limitations and Treatment Plant acceptability. The Bureau of Sewage or Sewer Department may immediately and without notice, revoke any waste hauler license if it is determined that the acceptance of the waste is detrimental to the overall operations of the Treatment Facility whether caused by constituents of the waste or circumstances wholly within the Plant. Any waste hauler who violates any provision of this Ordinance or waste hauler license may

be subject to immediate license revocation.

SECTION 8 - SEVERABILITY

If any provision, paragraph, word, section or article of this Ordinance is not invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words sections, and chapters shall not be affected and shall continue in full force and effect.

SECTION 9 - CONFLICT

All other ordinances and parts of other ordinances inconsistent or conflicting with any part of this Ordinance are hereby repealed to the extent of such inconsistency or conflict.

SECTION 10 - RESERVATION

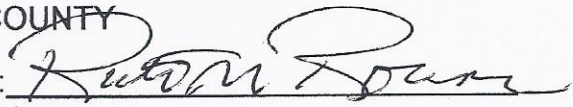
Conemaugh Township reserves the right to, upon one year written notice to the City of Johnstown, withdraw from this agreement and establish its own inspection procedures pursuant to the provisions of the Clean Water Act of 1977.

SECTION 11 - EFFECTIVE DATE

This Ordinance shall become effective upon enactment.

ORDAINED AND ENACTED into law this 19 day of MARCH, 2003.

CONEMAUGH TOWNSHIP, SOMERSET COUNTY

BY: 
Chairman

ATTEST: (SEAL)


Secretary

APPENDIX A

DISCHARGE LIMITATIONS

CITY OF JOHNSTOWN

Arsenic	0.338 mg/l
Cadmium	0.229 mg/l
Chromium	14.02 mg/l
Copper	7.89 mg/l
Cyanide	1.38 mg/l
Lead	0.54 mg/l
Mercury	0.0008 mg/l
Nickel	4.36 mg/l
Nitrogen as Ammonia	115.47 mg/l
Silver	3.58 mg/l
Zinc	2.81 mg/l