

**LOWER SAUCON TOWNSHIP
NORTHAMPTON COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2009-12

AMENDMENTS TO THE CODE OF THE TOWNSHIP OF LOWER SAUCON

AN ORDINANCE OF THE TOWNSHIP OF LOWER SAUCON, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING AND REVISING THE CODE OF THE TOWNSHIP OF LOWER SAUCON BY REVISING CHAPTER 130, ARTICLE VI TO BE CONSISTENT WITH RECENT REVISIONS TO U.S. ENVIRONMENTAL PROTECTION AGENCY STANDARDS AND CITY OF BETHLEHEM ORDINANCES REGARDING INDUSTRIAL WASTE; AND REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS CONTAINED HEREIN

WHEREAS, the Township of Lower Saucon is a Township of the Second Class, located in Northampton County, Commonwealth of Pennsylvania; and

WHEREAS, the Township of Lower Saucon adopted Ordinance #98-17 on May 20, 1998, enacting the Code of the Township of Lower Saucon (hereinafter referred to as the “Code”); and

WHEREAS, the Township of Lower Saucon adopted Ordinance #2002-07 on September 4, 2002, amending the Code, specifically Chapter 130 - Sewers, Article VI - Industrial Waste; and

WHEREAS, the City of Bethlehem owns and operates a public wastewater treatment works used by the Township of Lower Saucon for treatment and disposal of sewage and industrial waste generated within the Township of Lower Saucon; and

WHEREAS, the City of Bethlehem was required by the United States Environmental Protection Agency to revise its Industrial Waste Regulations to incorporate changes in the Federal Industrial Pretreatment Program Regulations, and the City of Bethlehem has duly adopted Ordinance 2009-1 to meet this requirement; and

WHEREAS, the City of Bethlehem requires all tributary municipal users of the public wastewater treatment works to amend their applicable rules, regulations, and ordinances to be consistent with the City of Bethlehem’s amended Industrial Waste Regulations; and

WHEREAS, the Council of the Township of Lower Saucon desires to amend the Code of the Township of Lower Saucon to be consistent with the City of Bethlehem’s amended Industrial Waste Regulations.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Council of the Township of Lower Saucon, Northampton County, Commonwealth of Pennsylvania, that the provisions of Chapter 130, Article VI of the Code of the Township of Lower Saucon are hereby amended as follows:

SECTION 1.

Reference to section numbers within this Ordinance, amending the Township Industrial Waste Ordinance shall refer to Chapter 130 - Sewers, Article VI - Industrial Waste, with various subsections as incorporated into the Code of the Township of Lower Saucon.

SECTION 2. AMENDMENTS TO SECTION 130-48(C)

Chapter 130, Section 48(C) of the Code is amended to delete the term Authorized Representative of an Industrial User and to insert the following term and its meaning:

Authorized Representative of a User - An authorized representative of a User may be:

- (1) A president, secretary, treasurer, or 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) A general partner or proprietor, if the User is a partnership or proprietorship, respectively;
- (3) A director or highest official appointed or designated to oversee operations and performance, if the User is a Federal, State or Local Governmental facility.
- (4) A duly authorized representative of the individual identified in (1) through (3) above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates and a written request for designation of an alternate representative is approved by the City.

Chapter 130, Section 48(C) of the Code is amended to insert the following terms and their meanings:

Best Management Practice (BMP) – Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMP’s also include treatment requirements, operating procedures, and practices to contract plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Water Quality Manager – The person designated by the City to supervise the operation of the Water Quality Bureau.

SECTION 3. AMENDMENTS TO SECTION 130-49

Chapter 130, Section 49(A)(1)(j) of the Code is amended to delete the reference to Section 923.01(uu) of the City of Bethlehem Codified Ordinance and replace it with Section 923.01 of the City of Bethlehem Codified Ordinance.

Chapter 130, Section 49(D)(1) of the Code is amended to delete the table of Pollutants and Local Limits and replace it with the following table:

<u>Pollutant (Total)</u>	<u>Local Limit (mg/l)</u>
Arsenic	0.11
Cadmium	0.05
Chromium	0.91
Copper	1.35
Lead	0.39
Mercury	0.007
Molybdenum	0.22
Nickel	1.36
Selenium	0.23
Silver	0.21
Zinc	2.58
Cyanide	0.38

Chapter 130, Section 49(D)(5) of the Code is amended to delete the text of the second sentence and replace it with the following:

In no event shall any alternate limit allow the total loading allocated to all industrial users for any pollutant to exceed the maximum allowable industrial headworks loading as determined in the City's most recent local limits evaluation approved by the Approval Authority.

Chapter 130, Section 49(I)(2) of the Code is amended to delete the text of the second sentence and replace it with the following:

For existing Industrial Users. The Industrial Pretreatment Coordinator shall evaluate whether each Industrial User needs a new or updated accidental discharge/slug control plan.

Chapter 130, Section 49(J) of the Code is amended to insert the following new paragraph immediately after paragraph (5):

- (6) All Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.

SECTION 4. AMENDMENT TO SECTION 130-50

Chapter 130, Section 50(A)(1)(a) of the Code is amended to delete the text and replace it with the following:

Fees for monitoring, inspections and surveillance procedures completed by the City, the Lower Saucon Authority, or the Lower Saucon Authority's or City's contract laboratory to be billed at 1.15 times the actual cost.

SECTION 5. AMENDMENTS TO SECTION 130-51

Chapter 130, Section 51(B) of the Code is amended to insert the following two new paragraphs between existing paragraphs (15) and (16), and to change existing paragraph (16) to be paragraph (18):

- (16) Requirements to develop and implement slug control measures and to provide notification of facility changes that affect the potential for a slug discharge.
- (17) Requirements associated with BMP's at the sole discretion of the Industrial Pretreatment Coordinator.

Chapter 130, Section 51(H)(1)(c) of the Code is amended to insert the following new paragraph between existing paragraphs (5) and (6), and to change existing paragraphs (6) through (8) to be paragraphs (7) through (9), respectively:

- (6) Best Management Practices. Information identified by the Industrial Pretreatment Coordinator or the applicable pretreatment standard regarding compliance with any applicable BMP's.

Chapter 130, Section 51(H)(3) of the Code is amended to delete the sentence beginning with the words "The Industrial Pretreatment Coordinator may require..." and replace it with the following:

This report must contain all the information described in Section 923.04(m)(1)(c) of the City of Bethlehem Codified Ordinance Article 923.

Chapter 130, Section 51(H)(4)(a) of the Code is amended to insert the following new text immediately following the first sentence:

Information identified by the Industrial Pretreatment Coordinator or the applicable pretreatment standard regarding compliance with any applicable BMP shall also be included with the report.

Chapter 130, Section 51(I)(1) of the Code is amended to delete the existing text and replace it with the following:

Samples should be collected using 24-hour flow proportional composite collection techniques. In the event that flow proportional sampling is infeasible or not warranted in the opinion of the Industrial Pretreatment Coordinator, the Industrial Pretreatment Coordinator may authorize the use of time proportional sampling, a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being discharged, or a frequency of grab samples acceptable to the Industrial Pretreatment Coordinator. The Industrial Pretreatment Coordinator may allow grab samples to be composited prior to analysis.

Chapter 130, Section 51(M)(1) of the Code is amended to delete the sentence beginning with the words "Persons or occupants of premises..." and replace it with the following::

Persons or occupants of premises connected to the sewage collection system shall allow the City or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, or in the performance of any duties.

Chapter 130, Section 51(P) of the Code and its subparagraphs are amended to delete the existing text and replace it with the following:

Publication of Users in Significant Non-compliance – The City shall annually publish, in a newspaper of general circulation that provides meaningful Public Notice within the jurisdictions served by the POTW, all Users which at any time during the previous twelve months were in significant non-compliance with applicable Pretreatment Standards or Requirements. For the

purpose of this provision, a User is in significant non-compliance if its violation meets one or more of the following criteria:

- (1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the 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 (1);
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3 (1) multiplied by the applicable TRC (TRC = 1.4 for BOD₅, CBOD₅, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
- (3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the City determines has caused, alone or in combination with other discharges, interference or pass through (including endangering the health of POTW personnel or the general public);
- (4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8(f) (1) (vi) (B) to halt or prevent such a discharge;
- (5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide, within 45 days after the schedule date, required reports such as Baseline Monitoring Reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report non-compliance;
- (8) Any other violation or group of violations which may include violations of BMP's that the City determines will adversely affect the operation or implementation of the City's pretreatment program.

Chapter 130, Section 51(R)(2) of the Code is amended by adding the following text to the end of the first sentence:

, records associated with implementation of BMP's, and any other records required by the City related to the MIPP.

SECTION 6. AMENDMENTS TO SECTION 130-52

Chapter 130, Section 52(G) of the Code is amended by deleting the sentence beginning with the words "A fee of \$0.045 per gallon..." and replacing it with the following:

A fee based on the City's current fee schedule will be levied on all holding tank waste or septage discharged to the City's POTW.

SECTION 7. VIOLATIONS AND PENALTIES

The Violation and Penalty provisions of the Code, where not revised herein, shall remain unchanged.

SECTION 8. SEVERABILITY

The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, illegal, or otherwise invalid, such decision shall not affect the validity of the remaining provisions of this Ordinance. The Council of Lower Saucon Township hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional, illegal, or otherwise invalid.

SECTION 9. REPEALER

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

SECTION 10. EFFECTIVE DATE

The provisions of this Ordinance shall become effective five (5) days after adoption.

ENACTED and **ORDAINED** this 2nd day of December, 2009.

ATTEST:

LOWER SAUCON TOWNSHIP

Jack Cahalan
Township Manager

Glenn C. Kern
Council President