

**ORDINANCE NO. HR -369**

**TREDYFFRIN TOWNSHIP  
CHESTER COUNTY, PENNSYLVANIA**

**AN ORDINANCE OF TREDYFFRIN TOWNSHIP AMENDING CHAPTER 163, ARTICLE V, SECTIONS 163-26 AND 163-71 OF THE TOWNSHIP CODE, PERTAINING TO THE PORTION OF THE SEWER SYSTEM TRIBUTARY TO THE UPPER MERION TOWNSHIP SEWAGE TREATMENT WORKS, TO ADD A DEFINITION FOR “BEST MANAGEMENT PRACTICES”, AMEND DEFINITIONS FOR “SIGNIFICANT NONCOMPLIANCE” AND SLUG DISCHARGE”, AND AMEND PUBLICATION REQUIREMENTS .**

**BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Tredyffrin Township as follows:

**SECTION I:** Chapter 163, Article V, Section 163.26 is hereby amended by deleting in their entirety definitions for “Significant Noncompliance” and “Slug Discharge” and adding the definitions below, in correct alphabetical sequence.

**BEST MANAGEMENT PRACTICES** – Schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). 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.

The control authority, at its sole discretion, may develop BMPs to comply with 40 CFR 403.5(c)(1) and (2). 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. The control authority, at its sole discretion, may allow a user to implement BMPs to meet the prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Non-compliance with BMPs shall be considered exceedances of permit limits and enforcement will be implemented in accordance with the steps shown for “discharge limit violations” in the Summary of Enforcement Response Procedures.

**SIGNIFICANT NONCOMPLIANCE** -- An industrial 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, industrial user is in significant noncompliance if its violation 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 all 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(1).
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33% or more of all of wastewater measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oil 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(1) (daily maximum, long-term average, instantaneous limit or narrative standard) that the control authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
- 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 POTW's exercise of its emergency authority under of this article to halt or prevent such a discharge.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained wastewater discharge permit or in an 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; or
- H. Any other violation or group of violations, which may include violation of best management practices, which the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

**SLUG DISCHARGE** -- Any pollutant release 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 non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the POTW's regulations, prohibited discharge standards in this Article, local limits or NPDES permit conditions.

**SECTION II.** The first paragraph of Section 163.71 of Chapter 163, Article V is hereby deleted and replaced with the following:

The control authority 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:

**SECTION III: Effective Date.**

This Ordinance shall become effective thirty-one (31) days from enactment.

**ENACTED** and **ORDAINED** this 7<sup>th</sup> day of April, 2008 by the Board of Supervisors of Tredyffrin Township.

**BOARD OF SUPERVISORS  
TREDYFFRIN TOWNSHIP**

**ATTEST:**

**By:** \_\_\_\_\_  
**Chairman**

\_\_\_\_\_  
**Manager**