

ORDINANCE NO. 915

AN ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF HOLLIDAYSBURG, BLAIR COUNTY, PENNSYLVANIA, SETTING FORTH UNIFORM REQUIREMENTS FOR USERS OF THE SEWER SYSTEM AND REQUIREMENTS FOR DISCHARGERS OF INDUSTRIAL WASTES; AUTHORIZING THE ISSUANCE OF PERMITS, ORDERS AND OTHER DOCUMENTS TO GOVERN AND CONTROL VARIOUS DISCHARGERS; REQUIRING CERTAIN REPORTS, PLANS AND SCHEDULES TO BE PREPARED BY VARIOUS DISCHARGERS; AUTHORIZING MONITORING AND ENFORCEMENT ACTIVITIES; PROVIDING FOR THE ESTABLISHMENT OF FEES; AND SETTING PENALTIES FOR VIOLATIONS

Be it enacted and ordained by the Borough Council of the Borough of Hollidaysburg, Blair County, Pennsylvania, and it is hereby enacted and ordained by authority of the same:

SECTION I PURPOSE AND POLICY

Article 1 PURPOSE

This Ordinance sets forth the following uniform requirements for Users of the Sewer System and enables the Borough to regulate the use of the Sewer System and to comply with the requirements of the Clean Water Act and other applicable State and federal laws and regulations:

1. Requirements regulating the introduction of Wastewater into the Sewer System by all Users,
2. Establishing an Industrial Pretreatment Program to monitor and control the Discharge of Industrial Wastes.

Article 2 OBJECTIVES

The objectives of this Ordinance are:

- 2.1 To prevent the introduction of Pollutants into the Sewer System that will cause Interference, increase the difficulty or costs of operation of the Sewage Collection System or the Sewage Treatment Plant, or reduce the efficiency or effectiveness of the Sewage Collection System or Sewage Treatment Plant;
- 2.2 To prevent Pass Through of Pollutants, inadequately treated, to the environment;
- 2.3 To protect workers and the general public from exposure to toxic or other dangerous substances;
- 2.4 To protect the Sewer System from damage;
- 2.5 To improve the opportunity to recycle or reclaim wastewater or sludge;
- 2.6 To provide for the equitable distribution of the cost of the operation, administration and enforcement of the Industrial Pretreatment Program; and
- 2.7 To enable the Borough to comply with all applicable State and federal laws, rules, and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards, and water quality standards.

Article 3 RESERVATION OF RIGHTS

Notwithstanding any other provision to the contrary, nothing in the Ordinance or elsewhere in the Borough's pretreatment program shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. § 1251 et seq., the Clean Streams Law, 35 Pa. Stat. §§ 691.1 et seq., and applicable regulations (e.g., 40 CFR Part 403; Title 25 Pa. Code) for the Borough to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the Borough maintains discretionary authority to undertake pretreatment activities beyond the minimum required.

SECTION II DEFINITIONS

The following words, terms and phrases will hereinafter have the meanings set forth in this section, unless the context clearly requires a different meaning. Reference to gender shall be construed to include both the masculine and feminine.

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.

Approval Authority. The Regional Administrator of Region III of the EPA.

Authority. The Hollidaysburg Sewer Authority, a municipality authority created and existing under the laws of the Commonwealth of Pennsylvania, the Authority Board thereof, its employees, agents and officials.

Authorized Representative (of Industrial User). An Authorized Representative of an Industrial User may be: (1) If the Industrial User is a corporation, (a) a principal executive officer of at least the level of president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or (b) a manager of one or more manufacturing, production, or operating facilities, provided, 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; (2) If the Industrial User is a partnership or proprietorship, a general partner or proprietor, respectively; (3) If the Industrial User is a governmental entity, charitable organization or other such unincorporated entity, a principal executive officer or director having responsibility for the overall operation of the discharging facility or a ranking elected official; (4) A duly authorized representative of the individual designated above in (1), (2) or (3) if such representative, by name or position, is (a) identified in writing submitted to the Pretreatment Coordinator and (b)(i) is responsible for the overall operation of the facilities from which the Discharge originates, or (ii) has overall responsibility for environmental matters for the company.

Best Management Practices. The term Best Management Practices (BMP) means 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). 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 (5) days at 20 centigrade (64 degrees Fahrenheit) expressed in terms of weight and concentration (milligrams per liter (mg/L)).

Borough. The Borough of Hollidaysburg, Blair County Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, the Borough Council thereof, its employees, agents and officials. The term Borough is used as synonymous with the term POTW, Publicly Owned Treatment Works, or control authority.

Building Sewer. A Sanitary Sewer conveying Wastewater from the premises of a User to the Sewer System.

Bypass. The diversion of Wastewater from any portion of an Industrial User's Pretreatment facility.

Categorical Industrial User. An Industrial User subject to Categorical Standards under 40 CFR Chapter I, subchapter N.

Categorical Standards. National Categorical Pretreatment Standards.

Certified Professional. A registered professional engineer under the laws of the State.

Chain of Custody. A record of sample collection indicating the place, date and time of collection and the Person collecting the sample. It also includes a record of each Person involved in possession of the sample including the laboratory Person who takes final possession of the sample for the purpose of analysis.

Clean Streams Law. The Act of June 22, 1937, P.L. 1987, as amended, 35 P.S. Sections 691.1 to 691.702.

Color. Color of light transmitted through a waste after removal of all suspended matter, including pseudo-colloidal particles, and measured in platinum-cobalt units.

Combined Sewer. A sewer constructed to convey both Sanitary Sewage and Stormwater.

Combined Waste Formula. A procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.6(e).

Compliance. Adherence to conditions or requirements of this Ordinance or the Industrial Pretreatment Program, any written directions or schedule issued by the Borough, or any Wastewater Discharge Permit or other permit issued under the provisions of this Ordinance.

Composite Sample. A sample composed of individual sub-samples taken at regular intervals over a specified period of time. Sub-samples may be proportioned by time interval or size according to flow (Flow-proportioned Composite Sample), or be of equal size and taken at equal time intervals (Equal-time Composite Sample). A Composite Grab Sample is composed of individual Grab Samples collected and preserved individually and combined for analysis only at the time of analysis.

Daily Maximum. The highest value obtained for samples collected in any calendar day or equivalent consecutive twenty-four (24) hour period. When used in a limit, the Daily Maximum is the highest value allowed in any Composite Sample, or the maximum value allowed as an average of one or more Grab Samples taken during a calendar day or equivalent consecutive twenty-four (24) hour period. The Daily Maximum may also be expressed as the maximum mass allowed to be Discharged during any one calendar day or equivalent consecutive twenty-four (24) hour period.

Discharge. The conveyance of any water or Wastewater into the Sewer System including the delivery of water or Wastewater by truck.

Domestic Wastes. Normal household wastes from kitchens, water closets, lavatories and laundries, or any waste from a similar source and possessing the same characteristics.

Enforcement Response Plan. A plan developed pursuant to 40 CFR §403.8(f)(5) providing for the enforcement of the Industrial Pretreatment Program.

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.

Existing Source. Any source of Discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Standards, which Categorical Standards will be applicable to such source if the Categorical Standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage. Solid or semi-solid wastes resulting from preparation, cooking, and dispensing of food, and from handling storage and sale of produce.

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 within a period of 15 minutes or less.

Groundwater. Water which is contained in or passing through the ground.

Hazardous Waste. Substances that are classified as listed or characteristic Hazardous Waste under the provisions of 40 CFR, Part 261.

Holding Tank Waste. The liquid and/or solid material from a septic tank, cesspool or similar Domestic Waste treatment or containment system, or waste from holding tanks such as those found in vessels, chemical toilets, campers, or house trailers.

Industrial Pretreatment Program. The sum of the provisions of this Ordinance, amendments thereto, and any activities authorized or allowed by this Ordinance as regards the regulation and control of Industrial Users to the extent required by the federal minimum pretreatment regulations set forth in 40 CFR, Part 403.

Industrial User (IU): Any Person who Discharges Industrial Waste into the Sewer System.

Industrial Waste. Any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources and which is Discharged into the Sewer System; but not Non-contact Cooling Water or Sanitary Sewage. Any Wastewater which contains Industrial Waste and which is Discharged from an industrial, manufacturing, trade or business premises is considered Industrial Waste for the purposes of this Ordinance.

Infectious Waste. Any substance which is Discharged, and which consists of or is contaminated by pathogens or other etiologic agents, and which has not been sterilized, neutralized, or otherwise rendered harmless. Infectious Waste includes, but is not limited to: contaminated blood, blood products or other bodily fluids (excepting excreta discharged by normal bodily functions); wastes, including excreta, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.

Interference. The condition in which a Discharge, alone or in conjunction with Discharges from other sources:

1. Inhibits or disrupts the processes or operations of the Sewage Treatment Plant or the Sewage Collection System, or the processing, use or disposal of sludge; or
2. Is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act; or which results in or increases the severity of a violation of other State or national environmental statutes, rules or regulations.

Local Limits. Numerical limitations on the concentration, mass or other characteristics of wastes or pollutants Discharged, or likely to be Discharged, by Industrial Users, and which are developed by the Borough.

Manhole. A structure allowing access from the surface of the ground to a Sewer.

Mg/L. Milligrams per liter; a measure of concentration of water borne substances.

Monthly Average. The arithmetic mean of all daily determinations of concentration made during a calendar month.

National Categorical Pretreatment Standard. Any regulation containing pollutant Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users. National Categorical Pretreatment Standards are enumerated in 40 CFR, Chapter I, Subchapter N, Parts 405 et seq.

Non-Significant Categorical Industrial User (NSCIU). The Borough may determine that an Industrial User subject to categorical Pretreatment Standards under §403.6 and 40 CFR chapter I, subchapter N is a NSCIU rather than a SIU on a finding that the IU never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

- (1) The IU, prior to the Borough's findings, has consistently complied with all applicable categorical Pretreatment Standards and requirements or has no process discharge of categorical waste into the Borough's sewer system.
- (2) The IU must submit annually a certification statement required in §403.12 (q) together with any additional information necessary to support the certification statement.
- (3) The IU never discharges any untreated concentrated wastewater.

NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New Source. Any building, structure, facility, or other source from which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Categorical Standards under Section 307 (c) of the Act which will be applicable to such source if such Categorical Standards are thereafter promulgated in accordance with that Section. Determination of the applicability of New Source standards shall be made as provided in the Act and 40 CFR, §403.3.

Non-contact Cooling Water. The water from any use such as air conditioning, machine cooling or refrigeration, which does not come into contact with any raw material, product, byproduct or waste, and to which the only Pollutant added is heat.

Normal Production Day. For the purposes of sampling Wastewater, a Normal Production Day is that period of time during a calendar day during which Wastewater is Discharged and production, clean-up, and other activities that normally produce Wastewater or Industrial Waste are occurring. If a sample is specified to be collected during a Normal Production Day, it should not include aliquots taken during low wastewater flow periods that are not representative of normal activities, or during times when Wastewater is not being Discharged.

Noncompliance. Not in Compliance.

Ordinance (this Ordinance). When capitalized, the term Ordinance refers to this Ordinance.

Operator. Any Person having charge, care, control or management of a Pretreatment facility for Industrial Wastes or of a truck or trucks used in the removal, transport or disposal of Wastewater or Industrial Wastes.

Owner. Any Person vested with ownership, legal or equitable, sole or partial, of an improved property or facility.

Pass Through. Discharge of Pollutants which exits the POTW to the Waters of the State and, either alone or in conjunction with other Discharges, causes a violation of the Authority's NPDES permit or an increase in the magnitude or duration of any such violation; or the concentration of Pollutants in the sludge so that the end use of the sludge causes or contributes to Pollution, harm to the environment, or a violation of any State or national sludge disposal regulation, guideline or standard.

Person. Any individual, partnership, co-partnership, 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.

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

Pollutant. Any substance, including but not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, medical wastes, backwash from water filtration and industrial, municipal, and agricultural waste; or having certain characteristics such as Biochemical Oxygen Demand, Color, pH or toxicity which, when discharged into the environment, causes, contributes to, or increases Pollution.

Pollutant Not Present. The Borough may authorize an Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User.

Pollution. The contamination of any Waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air, soil, or of the environment so as to produce or is likely to produce similar deleterious effects.

POTW. A publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). The term includes the Sewage Collection System and the Sewage Treatment Plant.

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 Discharging or otherwise introducing such Pollutants into a Sewer System. The reduction or alteration can be obtained by physical, chemical or biological processes, or by means of other process changes except as prohibited by 40 CFR §403.6(d).

Pretreatment Coordinator. Agent of the Borough designated to administer the provisions of the Industrial Pretreatment Program.

Pretreatment Requirements. Any substantive or procedural requirement, other than a Categorical Standard, imposed on an Industrial User by Section 307(b) and (c) of the Act, the State or the Industrial Pretreatment Program.

Pretreatment Standard. A National Categorical Pretreatment Standard, Prohibitive Discharge Standard or a Local Limit created to implement a National Categorical Pretreatment Standard or Prohibitive Discharge Standard.

Prohibited Discharge. Any Discharge which is prohibited under Section III Article 1, paragraph 1.3 of this Ordinance.

Prohibitive Discharge Standard. Any regulation developed under Section 307(b) and (c) of the Act (33 USC 1317) including prohibitive discharge limits under 40 CFR §403.5. Prohibitive Discharge Standards are included in the list of Prohibited Discharges in Section III, Article 1, paragraph 1.3 of this Ordinance.

Qualified Analyst. Any Person who has demonstrated competency in the analysis of Wastewater by submission of their generally recognized documentation of competency to the Borough or who is normally employed in the capacity of analyst by a professional analytical laboratory.

Refrigeration. Maintenance of temperature for storage, preservation of food, or as a process of manufacturing.

Responsible Official. The Manager of the Borough, or his duly authorized representative.

Sanitary Sewage. The normal water-carried Domestic Wastes from any improved property, but excluding: effluent from septic tanks or cesspools; rain, snow or stormwater; groundwater; or other collected water from roofs, drains or basements.

Sanitary Sewer. A Sewer designed and constructed primarily for carrying Sanitary Sewage or Industrial Wastes, but not storm, surface or ground waters.

Sewage Collection System. All facilities of the Borough and Authority, or any municipality party to a service agreement with the Borough, as of any particular time, used or usable for collecting, transporting, pumping and disposing of Wastewater, which facilities are connected to and served by the Sewage Treatment Plant. The Sewage Collection System includes Sanitary Sewers and Combined Sewers, but not Storm Sewers.

Sewage Treatment Plant. That portion of the Sewer System owned by the Authority and operated by the Borough, which is designed to provide treatment of Wastewater and discharge of treated effluent to the environment.

Sewer. A pipe or conduit for conveying Wastewater or Stormwater.

Sewer System. The Sewage Collection System, Sewage Treatment Plant, and any Sewers that convey Wastewater to the Sewage Treatment Plant. For the purposes of this Ordinance, "Sewer System" shall also include any sewers that convey Wastewater to the Sewage Treatment Plant from Persons who are Users of the Sewer System.

Shall denotes that the referenced action or requirement is mandatory: May is permissive.

Significant Industrial User. Except as provided by, 40 CFR 403.8(f)(6), an Industrial User who (1) has a Discharge flow of 25,000 gallons or more of Industrial Waste (excluding any constituent Sanitary Sewage, Non-contact Cooling Water or boiler blow down wastewater) per average work day; (2) Discharges Industrial Waste which makes up 5 percent or more of the average dry weather organic capacity of the Sewage Treatment Plant; (3) is regulated by Categorical Standards; or (4) is determined by the Borough to have the reasonable potential of adversely affecting the operation of the POTW, causing Interference or Pass Through, or of violating any Pretreatment Requirement.

Significant Noncompliance. A Noncompliance which meets or exceeds standards of Significant Noncompliance determined by the Borough and contained in Section III, paragraph 4.11 of this Ordinance.

Significant Violator. Any Industrial User in Significant Noncompliance.

Slug or Slug Load. Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge; violating the specific prohibitions in 40 CFR § 403.5(b).

Spill. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental Spill or a non-customary batch Discharge, or the control or cleanup activities associated with such an occurrence; an accidental Spill may result from the spilling, overflowing, rupture, or leakage of any storage, process or transfer container.

SPCC Plan. A spill prevention, control and countermeasure plan prepared by an Industrial User to minimize the likelihood and intensity of a Slug Load or Spill, or any changes affecting the potential for slug discharges in volume or characteristics of discharges, and to expedite control and cleanup activities should a Slug Load or Spill occur.

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.

State. Commonwealth of Pennsylvania.

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

Storm Sewer. A Sewer designed and constructed primarily for the purpose of carrying Storm water, but not Sanitary Sewage or Industrial Wastes. Storm Sewers are not part of the Sewage Collection System.

Superintendent. The superintendent of the Sewage Treatment Plant or his duly authorized representative.

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.

Total Solids. The sum of the dissolved and undissolved solid constituents of water or Wastewater.

Total Toxic Organics. The sum of all quantifiable values of various organic pollutants as determined by the Borough or, for certain Categorical Industrial Users, as defined in the applicable Categorical Standard.

Toxic Organic Management Plan. A plan submitted in lieu of testing for Total Toxic Organics in which an Industrial User specifies methods of control to assure that Total Toxic Organics do not routinely enter the Sewer System.

Toxic Pollutants. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of Section 307(a) of the Act or identified in sludge regulations under Section 405(d) of the Act which is applicable to the Sewage Treatment Plant sludge.

Unauthorized Discharge. Discharge of an Unauthorized Waste, or a Discharge which otherwise is not in Compliance with the requirements of the Industrial Pretreatment Program, the Ordinance, or other Rules or Regulations of the Borough.

Unauthorized Waste. Any substance which is Discharged into the Sewage Collection System which is not in Compliance with the provisions of the Industrial Pretreatment Program, or which is Discharged by a Person in violation of any of the provisions of this Ordinance.

User. Any Person who contributes, causes or permits the Discharge of Wastewater into the Sewer System.

Wastewater. Industrial Wastes or Domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which enters the Sewer System.

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.

Wastewater Discharge Permit. As set forth in Section III, Article 3 of this Ordinance.

Wastewater Discharge Permit (General). As set forth in Section III, Article 3 of this Ordinance with the following conditions.

1. Involves the same or similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the Borough, are more appropriately controlled under a General Wastewater Discharge Permit than under an individual Wastewater Discharge Permit.

SECTION III REGULATION OF DISCHARGES TO THE SEWER SYSTEM

Article 1 REGULATED DISCHARGES

1.1 Discharge of Stormwaters

No Person shall Discharge or cause or permit to be Discharged any surface water, groundwater, roof water, subsurface drainage, building foundation drainage or Storm water from pavements and area ways into any Sanitary Sewer. Discharges of Storm water into Combined Sewers is allowed to the extent provided by State and Borough statute, ordinance, or regulation.

1.2 Storm Sewers

No Person shall introduce or cause or permit to be introduced any Wastewater, Sanitary Sewage, or Industrial Waste into any Storm Sewer.

1.3 Prohibited Discharges

No User shall Discharge or cause to be Discharged, directly or indirectly, any Pollutant or Wastewater which will Interfere with the operation or performance of the Sewer System. These general prohibitions apply to all Users whether or not the Users are subject to any other Pretreatment Requirements. No Person may Discharge any of the following substances to the Sewer System:

- A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Sewer System or to the operation of the Sewer System. At no time, shall two successive readings on an explosion hazard meter, at the point of Discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. At no time shall the closed cup flashpoint of the discharged Wastewater be less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 C.F.R. § 261.21. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates, and carbides.
- B. Solid or viscous substances which may cause obstruction to the flow in a Sewer or other Interference with the operation of the Sewer System, such as, but not limited to: grease, Garbage with particles greater than one-half inch (½") 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, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.
- C. Any Wastewater having a pH less than 5.5 or higher than 10.0, or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Sewer System.
- D. Any Wastewater containing Pollutants in sufficient quantity, either singly or by interaction with other constituents of the Wastewater, 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 Sewage Treatment Plant, or to exceed the Limitation set forth in an applicable Categorical Standard.
- E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other substances present in the Sewer System are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the Sewer System for maintenance and repair.

- F. Any substance which results in the formation or release of toxic gases, vapors or fumes in a quantity that may cause acute worker health and safety problems.
- G. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- H. Any substance which may cause the Sewage Treatment Plant's effluent or any other product of the Sewage Treatment Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance Discharged to the Sewer System cause the Sewage Treatment Plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Clean Water Act, Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- I. Any substance which will cause the Authority to violate its NPDES and/or State Water Quality Management Permit or applicable receiving water quality standards.
- J. Any Wastewater with objectionable Color which will Pass Through the Sewage Treatment Plant or which will cause or contribute to Pollution, such as, but not limited to, dye wastes and vegetable tanning solutions.
- K. Any Wastewater having a temperature which will inhibit biological activity in the Sewage Treatment Plant resulting in Interference, but in no case Wastewater with a temperature at the Discharge into the Sewer System which exceeds 40°C (104°F) or is less than 0°C (32°F).
- L. Any Pollutants, including oxygen demanding Pollutants (BOD, COD, etc.) released at a flow rate and/or Pollutant concentration which will cause Interference to the Sewage Treatment Plant or interfere with the operation of the Sewer System.
- M. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Borough or applicable State or national standards, cause Interference, or otherwise adversely impact the POTW or cause or contribute to Pollution.
- N. Any trucked or hauled Wastewater or Pollutants at any point other than a point specifically designated by the Borough.
- O. Any Wastewater which is incompatible with treatment processes in use at the Sewage Treatment Plant so as to cause Interference or Pass Through.
- P. Any Wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acid, or other persistent herbicides, pesticides or rodenticides.
- Q. Any Infectious Waste.

1.4 Unauthorized Discharges

Except as otherwise provided in Section VI of this Ordinance, any Discharge that is prohibited under paragraph 1.3 of this Section shall be considered an Unauthorized Discharge and the Borough may take whatever steps are necessary to halt such a Discharge, as set forth in Section III, Article 4 and Section IV of this Ordinance, or as otherwise provided by law.

1.5 Categorical Standards

If the Categorical Standards for a particular Industrial User are more stringent than Local Limits or other requirements imposed under this Ordinance, then the Categorical Standards shall apply. The National Categorical Pretreatment Standards as set forth in 40 CFR. Parts 405 et seq. are hereby incorporated into the Industrial Pretreatment Program as program requirements for those Industrial Users subject to such Categorical Standards.

1.6 State Requirements

State requirements and limitations on Discharges shall apply in any case where they are more stringent than national requirements and limitations or those established under this Ordinance.

1.7 Local Limits

The Borough may establish, and review from time to time, Local Limits regulating the Discharge of specific Pollutants by Industrial Users. Local Limits developed to prevent Pass Through or Interference, or to implement Prohibitive Discharge Standards shall be approved by the Approval Authority.

- A. Local Limits may be established for any substance which is Discharged, or is likely to be Discharged, to the Sewer System.
- B. Local Limits may limit concentration, mass, or a combination of the two.
- C. The procedure for the calculation of Local Limits may be as recommended by the Approval Authority or otherwise considered appropriate by the Borough.
- D. Local Limits shall be calculated for Pollutants, as deemed necessary, to prevent Interference and Pass Through. In addition, Local Limits may be calculated to prevent the Discharge of toxic materials in toxic amounts; threats to worker health and safety; physical, chemical or biological damage to the Sewer System; or such other factors as deemed appropriate by the Borough.
- E. Local Limits are applicable to all Significant Industrial Users and may be included in Wastewater Discharge Permits. Local Limits may be imposed on Discharges from other Users as deemed appropriate by the Borough.
- F. Discharging any Pollutant in excess of a Local Limit established for that Pollutant shall constitute an Unauthorized Discharge.

G. The Hollidaysburg Regional Wastewater Treatment Plant headworks, local limits for industrial discharges, are hereby established as follows:

<u>Pollutant</u>	<u>Local Limit</u> <u>Monthly Average Mass (lbs/day)</u>
Arsenic	0.55
Cadmium	0.07
Chromium	0.32
Copper	1.19
Lead	0.41
Mercury	0.012
Molybdenum	Monitor Only
Nickel	Monitor Only
Selenium	Monitor Only
Silver	0.93
Zinc	3.02
Cyanide	1.7788

1.8 Prohibition on Dilution

Except where expressly authorized to do so by an applicable Categorical Standard or Pretreatment Requirement, no Industrial User shall, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate Pretreatment to achieve compliance with the limitations contained in applicable Categorical Standards, or in any other pollutant-specific limitation, including Local Limits, developed by the Borough or State.

1.9 Best Management Practices:

Best Management Practices (BMP's) will be required to be submitted by Industrial Users (IUs), in addition to numeric values established by Local Limit, that addresses all of the components outlined in the official definition of BMP as mentioned above. The plan will include any documentation pertaining to existing spill and slug control plans for IUs. BMP requirements and amendments will be established in SIU control documents (permits) as applicable. These control documents may be Industrial Waste Permits or general control mechanisms. Certain IUs, as deemed necessary by the Borough, shall be required to follow BMP's instead of, or in addition to, numeric limits where calculations of numeric limits are not feasible. These requirements may be all or some of the following:

- A. Specific notice to IUs of requirements and enforceability shall be included in control documents.
- B. Installation of treatment and equipment shall be outlined and include criteria for specifications that the equipment must satisfy.
- C. Requirements for or prohibitions on certain practices, activities, or discharges shall be incorporated in control documents as deemed protective.
- D. Requirements for operation and maintenance (O&M) of treatment units shall be incorporated in control documents, as deemed appropriate, to ensure that treatment systems continue to perform as designed and installed.
- E. Time frames associated with key activities shall be provided when required equipment must be installed and fully operational and will be included in control documents.
- F. Specific procedures for compliance certification, reporting and records retention will be included in control documents.
- G. Provisions for re-opening or revoking the BMP conditions will be included in control documents if the Borough determines that it is easier to establish compliance with numeric values or when the user has failed to achieve compliance.

1.10 Slug Loads and Spills

Each Industrial User shall provide protection from Spills or accidental Discharges that may result in Unauthorized Discharges or Slug Load Discharges. Facilities to prevent Spills and Slug Loads shall be provided and maintained at the Owner or Industrial User's own cost and expense.

- A. Notification. In the case of a Spill or Slug Load or any changes in conditions affecting the potential for slug discharges or any other Unauthorized Discharge, it is the responsibility of all Industrial Users to, immediately upon discovery of the Spill, Slug Load or other Unauthorized Discharge, telephone and notify the Borough of the incident. The notification shall include location of Discharge, type of waste, concentration and volume, corrective actions being taken or planned, and expected duration.
- B. Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call in the event of a Slug, Spill or other Unauthorized Discharge. Employers shall insure that all employees who may cause or suffer such a Discharge to occur are advised of the emergency notification procedure.

C. Written Notice. Within five (5) days following a Spill, Slug Load, or other Unauthorized Discharge, the Industrial User shall submit to the Borough a detailed written report describing the cause of the Discharge and the measures to be taken by the Industrial User to prevent similar future occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Sewer System, fish kills, or any other damage to Person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or applicable law. This notice requirement may be waived by the Borough for an Industrial User which is not required to submit a plan under Subsection D, below.

D. SPCC Plans.

- (1) All Significant Industrial Users existing at the time of enactment of this Ordinance shall complete and submit for approval a Spill Prevention Control and Countermeasure (SPCC) Plan, or provide acceptable evidence that such a Plan is not necessary for their facility, within one year of an Industry being identified as significant in accordance with §403.8(f)(2)(vi).
- (2) No Significant Industrial User who commences Discharge to the Sewer System after the effective date of this Ordinance shall be permitted to introduce Pollutants into the Sewer System until it has completed and submitted for approval an SPCC Plan, or provided acceptable evidence that such a Plan is not necessary for its facility. The Borough, at its discretion, may require an SPCC Plan for any other Industrial User, whether or not they discharge process wastewater into the sewer system.
- (3) SPCC Plans for Significant Industrial Users shall, at a minimum, contain the elements specified in 40 CFR §403.8(f)(1)(iii)(B)(6) and §403.8(f)(2)(vi). SPCC Plans shall be submitted to the Borough for review by the Borough to determine if a Plan is needed, before approval or implementation of the Plan or construction of any required facilities. Review and approval of such Plans, facilities and operating procedures by the Borough shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of the Industrial Pretreatment Program, nor shall such review and approval be deemed to constitute any assurance or warrant on the part of the Borough as to the effectiveness or safety of the SPCC Plan. An Industrial User will be inspected and reevaluated at least annually for the need and effectiveness of its current SPCC plan. The Borough reserves the right to review and require revisions to the current SPCC plan, and facility, as deemed necessary to fulfill the requirements specified above.
- (4) At any time, an IU has changes that have occurred, or are planned for the future, at their facility, affecting the potential for a slug discharge, the IU must notify the Borough immediately upon becoming aware of any such changes in accordance with § 403.8(f)(2)(vi). A re-evaluation will be conducted to determine if an SPCC plan must be completed and approved or updated. If an IU has been issued an Industrial Waste Permit, requirements for documentation or notification regarding Slug/Spill Control will be included in the permit.

1.11 Garbage Grinders

The discharge of Garbage to the Sewer System is expressly prohibited unless said Garbage is properly shredded to comply with the provisions of paragraph 1.3.B of this Article.

1.12 Trucked and Hauled Wastes

- A. Discharge of trucked or hauled wastes shall only be made at a point designated by the Borough.
- B. Such wastes shall conform to all requirements of the Industrial Pretreatment Program regarding Prohibited Discharges, regulated characteristics, Local Limits, or other requirements as to nature, and concentration.
- C. No trucked or hauled wastes shall be Discharged except as specifically approved by the Borough. The Borough may require testing, reporting, or other specific information to be presented by the Operator or Owner prior to Discharge.
- D. In order to implement the provisions of part C of this paragraph, the Borough may establish a permit system or other means of control, and may set rate, frequency, volume, or other controls on the Discharges from such vehicles.

1.13 Grease and Sand Traps

Grease, oil and sand interceptors or traps shall be provided by a User when the Borough determines that such devices are necessary for the proper handling of Wastewaters containing greases, oils or settleable solids. Interceptors and traps shall be installed, operated, maintained and cleaned properly, so that they will consistently remove the grease, oil or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur in accordance with Chapter 10 of the International Plumbing Code and shall be located as to be readily and easily accessible for cleaning and inspection.

1.14 Notification Requirements - Hazardous Wastes and Hazardous Substances

- A. All Industrial Users shall notify the Borough, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Resources, Bureau of Waste Management, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification shall 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 Industrial User Discharges more than 100 kilograms of such waste per calendar month, the notification shall also include the following information, to the extent that it is known and readily available to the Industrial User:
 - (1) An identification of the hazardous constituents contained in the waste;
 - (2) An estimation of the mass and concentration in the Wastewater of all such constituents Discharged in the most recent month; and
 - (3) An estimate of the mass and concentration of such constituents expected to be Discharged during the following twelve months.
- B. Industrial Users that commence Discharge of a hazardous waste after the effective date of this Ordinance shall submit the report within 180 days of first Discharge of the hazardous waste, except as provided in part D of this paragraph. If the new Discharge constitutes a change in the character of the Industrial Waste, the Industrial User shall also comply with the requirements of Section III, Article 3, paragraph 3.20 of this Ordinance. In the case of any new regulations under 40 CFR Part 261 identifying additional wastes as characteristic or listed hazardous waste, the Industrial User discharging such substances shall submit the report within 90 days of the effective date of the new regulations.

- C. The required report need be submitted only once for each hazardous waste Discharged. Industrial Users regulated under Categorical Standards which have already reported such substances in baseline monitoring reports, 90 day compliance reports or periodic compliance reports do not have to report this information again.
- D. Industrial Users that Discharge less than fifteen (15) kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e).
- E. Each notification required by this section shall include a statement certifying that the Industrial User has a program in place to reduce the volume and/or toxicity of the Discharged wastes to the extent that it is economically practical. This statement shall be signed by the Authorized Representative of the Industrial User.

Article 2 FEES

2.1 Purpose

It is the purpose of this Article to provide for the recovery of costs from Industrial Users of the Sewer System for the implementation of the Industrial Pretreatment Program established herein. The applicable charges or fees shall be set forth in the Borough's Schedule of Charges and Fees.

2.2 Fees that may be Charged

The Borough may assess charges and fees, included in the current applicable Schedule of Fees and Charges Resolution, which may include:

- A. Fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program;
- B. Fees for monitoring, sampling, inspections and surveillance procedures;
- C. Fees for reviewing accidental Discharge procedures (SPCC Plans) and construction;
- D. Fees for Wastewater Discharge Permit applications and renewals;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the Sewage Treatment Plant) of Pollutants otherwise subject to Categorical Standards; and
- G. Other fees as the Borough 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 Borough.

Article 3 PERMITS AND REPORTS FOR INDUSTRIAL WASTE DISCHARGED INTO THE SEWER SYSTEM

3.1 Requirement for Wastewater Discharge Permits

- A. Discharge of any Industrial Waste to the Sewer System without a Wastewater Discharge Permit, except as authorized by the Borough in accordance with the provisions of this Ordinance, is an Unauthorized Discharge and subject to the penalties provided herein.

- B. The Borough reserves the right, at its sole discretion, to deny the issuance of a Wastewater Discharge Permit, or to issue such a Permit conditionally.

3.2 Significant Industrial Users

- A. All Significant Industrial Users proposing to connect to or to Discharge to the Sewer System shall obtain a Wastewater Discharge Permit before connecting to or Discharging to the Sewer System.
- B. All Significant Industrial Users that are connected to or Discharging to the Sewer System at the time of enactment of this Ordinance shall apply for and obtain an individual Wastewater Discharge Permit, identified as significant under § 403(V), within ninety (90) days of the effective date of this Ordinance except as follows.
2. At the discretion of the Borough, this control may include use of General Wastewater Discharge Permits.
 3. The User must file a written request for coverage that identifies its contact information, production processes (if applicable), the types of wastes generated, the location for monitoring all wastes covered by the General Wastewater Discharge Permit, and any other information the Borough deems appropriate.
 4. In accordance with 40 CFR § 403.6(e) and 403.15, an Industry is not eligible to be issued a General Wastewater Discharge Permit if any of the following apply:
 - (1). If the facility is subject to production-based categorical Pretreatment Standards.
 - (2). If the categorical Pretreatment Standards are expressed as mass of pollutant discharged per day,
 - (3). If the Industrial User has limits that are based on the Combined Wastestream Formula or Net/Gross calculations.

3.3 No Pollutant Present

- A. The authorization of a No Pollutant Present waiver is on a case-by-case basis, is the sole discretion of the Borough, and is subject to the following conditions:
1. The pollutant shall be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical standard and otherwise includes no process wastewater.
 2. The waiver is valid only for the duration of the Wastewater Discharge Permit.
 3. The Industrial User must submit a new request for the waiver before the waiver can be granted for any subsequent Wastewater Discharge Permits. This waiver must be signed by an authorized representative of the facility and include the certification statement included in the facilities Permit Renewal.
 4. The Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.
 5. Non-detectible sample results may only be used as a demonstration that a pollutant is not present if a certified laboratory performed the analysis, and if EPA approved methods from 40 CFR Part 136 with the lowest minimum detection level for that pollutant were used in the analysis.
 6. A grant for the monitoring of a pollutant shall be incorporated into the Industrial Users Wastewater Discharge Permit.
 7. An Industrial User shall certify on each sampling or compliance report that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User. This certification of No Pollutant Present shall be provided with the Industrial Users Wastewater Discharge Permit.

8. In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the IU's operations, the IU must immediately: Comply with the monitoring requirements outlined in the current Wastewater Discharge Permit or more frequent monitoring as determined by the Borough.
9. If an Industrial User makes changes to processes, flow, Wastewater concentration, Wastewater characteristics, or other changes which result in the Industrial User meeting the definition of Significant Industrial User, the Industrial User shall immediately upon becoming aware that such a change has occurred, or ninety (90) days prior to such a change if it is planned by the Industrial User, notify the Borough and the Industrial User will be considered an SIU and the "No Pollutant Present" waiver will no longer be in effect. At that time, the IU will be required to comply with the monitoring requirements outlined in the IU's current Wastewater Discharge Permit.
- B. The Borough may reduce the required sampling events to 1 per year, unless required more frequently in the Pretreatment Standard, if the IU meets all of the following conditions:
 1. The IU's categorical wastewater flow does not exceed 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical pretreatment standard for which approved local limits were developed by the POTW in accordance with 40 CFR § 403.5(c) of the general pretreatment requirements. In addition, this flow cannot exceed 0.01% of the dry weather hydraulic or organic treatment capacity of the POTW; provided however, that if the IU is considered an SIU as defined in Section 3.4B, then this shall not apply.
 2. The IU has not been in Significant Non-Compliance, as defined in Section 4.11 of this Article, for the past two years.
 3. The IU does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting and sampling requirements will result in data that is not representative of wastewater flows or conditions.
 4. The Borough must retain documentation to support the determination that a specific Industrial User qualifies for reduced reporting requirements under Section 3.3 of this Ordinance for a period of 3 years after expiration of the term of this permit.

3.4 Other Industrial Users

- A. Except as otherwise required by the Borough on a case-by-case basis, Industrial Users which are Non-Significant Industrial Users do not require a Wastewater Discharge Permit, but are required to comply with all other provisions of this Ordinance, including the need to develop a Slug/Spill Control plan, if deemed necessary by the Borough.
- B. If an Industrial User makes changes to processes, flow, Wastewater concentration, Wastewater characteristics, or other changes which result in the Industrial User meeting the definition of Significant Industrial User, the Industrial User shall immediately upon becoming aware that such a change has occurred, or ninety (90) days prior to such a change if it is planned by the Industrial User, notify the Borough and apply for a Wastewater Discharge Permit.
- C. If a User is required by the Borough to have a Slug/Spill Control plan as part of its BMP's, it shall be included in the IU's Industrial Waste Permit.
- D. The Borough, at its discretion, may modify the time frame for submission of a permit application and may require any non-Significant Industrial Users to apply for and obtain a Wastewater Discharge Permit, as the Borough deems appropriate.

3.5 Signatory Requirements

When an application for a Wastewater Discharge Permit, any required report, an appeal, waiver, or any other document as required by this Ordinance or Pretreatment Requirements is submitted to the Borough by an Industrial User, such document shall be submitted to the Borough prior to or together with any report being submitted and signed by an Authorized Representative of the Industrial User, as defined in this Ordinance. If an authorization under item (4) of the definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company,

- A. A new authorization satisfying the requirements of paragraph (4) of the definition of Authorized Representative must be submitted to the Borough prior to, or together with, any documents to be signed by an Authorized Representative; or
- B. The Authorized Representative as defined in parts (1), (2) or (3) of the definition of Authorized Representative must sign any such documents.

3.6 Permit Applications

Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Borough an application in the form prescribed by the Borough, and accompanied by the prescribed fee. A new facility planning to discharge to the Sewer System shall make such submission prior (e.g., 90 days in advance) to the date it intends to connect to or Discharge to the Sewer System so as to provide ample time for the permitting process. In support of the application, the Industrial 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 or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics as required by the Borough, as determined by a Qualified Analyst;
 - (1). Sampling and analysis must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of conditions occurring during the reporting period and performed in accordance with procedures established by appropriate EPA guidance pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
 - (2). Sample results shall be accompanied by a signed statement of the Authorized Representative that the samples analyzed are representative of normal Discharge during the routine operation of the discharging facility;
 - (3). In lieu of analytical results when a new facility is planned and Wastewater is not available for analysis, the applicant may provide:
 - (a) The results of analyses of Wastewater discharged from facilities utilizing processes similar to the one planned; or
 - (b) An estimate provided by a qualified professional regarding the probable constituents of the Wastewater, including a description of the basis for making the estimate.
- D. Each product by type, amount, process or processes and rate of production, or, for new facilities, a reasonable estimate thereof;

- E. Type and amount of raw materials processed (average and maximum per day), or, for new facilities, a reasonable estimate thereof;
- F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- G. Time and duration of Wastewater or Industrial Waste contribution;
- H. Average daily and 30-minute peak Wastewater flow rates, including daily, monthly and seasonal variation if any;
- I. Site plans, floor plans, mechanical and plumbing plans and details to show all floor drains, Building Sewers, Sewer connections, and appurtenances by the size, location and elevation;
- J. Description of activities, facilities and plant processes on the premises including all materials which are or could be Discharged;
- K. The nature and concentration of any Pollutants in the Discharge which are limited by any Borough, State, or National Pretreatment Requirement (including Local Limits), Prohibitive Discharge Standard or Categorical Standards, and a statement regarding whether or not the Categorical Standard, Prohibitive Discharge Standard or Pretreatment Requirements are being met on a consistent basis and, if not, how the Industrial User proposes to meet the applicable Standards or other Pretreatment Requirements, including whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the applicable Standard or Requirement. If the applicant is a Categorical Industrial User, this statement shall be signed by a Certified Professional.
- L. If additional Pretreatment and/or O&M will be required to meet Categorical Standards, Prohibitive Discharge Standard, or other Pretreatment Requirements (including Local Limits), the shortest schedule by which the Industrial User will provide such additional Pretreatment shall be developed and submitted. The completion date of this schedule for any Categorical Standard shall not be later than the compliance date established for the applicable Categorical 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 Industrial User to meet the applicable Categorical Standards or other Pretreatment Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) For compliance with a Categorical Standard, no increment referred to in subpart (1) shall exceed 9 months.
 - (3) Not later than 14 days following each date in the schedule pertaining to compliance with a Categorical Standard and the final date for compliance, the Industrial User shall submit a progress report to the Borough 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 Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Borough.
- M. Any other information as may be deemed by the Borough to be necessary to evaluate the application.

- N. The application shall be signed and attested to by an Authorized Representative of the Industrial User.
- O. The application for a General Wastewater Discharge Permit shall contain the information set forth in Section 3.2 B. of this Article.
- P. The application for a No Pollutant Present Waiver shall contain the information set forth in Section 3.3 of this Article.
- Q. In the cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, The IU shall submit documentation as required by the Borough or the applicable Standard to determine compliance with the Standard.
- R. Slug/Spill control requirements for an SPCC plan, or any conditions of the approved SPCC plan, will be conditions for compliance and will be referenced in the IU Wastewater Discharge Permits as referenced in Article 1 Section 1.10 of this Ordinance.

The Borough will evaluate the data furnished by the Industrial User and may require additional information, which information shall be submitted within a reasonable time by the Industrial User. After evaluation of the information furnished, the Borough may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

3.7 Confidentiality of Applications

- A. All information required by the Borough in the Permit application shall be provided by the Industrial User to the best of its ability.
- B. If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the Industrial User, such information shall be marked "confidential" on the application form.
- C. Confidentiality shall not apply to information regarding the flow of or the constituents in the Industrial Wastewater Discharge.
- D. Information accepted by the Borough as confidential shall be handled as detailed in paragraph 3.21 of this Section.

3.8 Wastewater Discharge Permit Conditions

- A. Wastewater Discharge Permits are hereby expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Borough. Permits shall contain the conditions specified in 40 CFR §403.8(f)(1)(iii)(B)(6) and 40CFR 403.12(b)(g)(e)(h). Permits may contain, but are not limited to the following:
 - (1) Limits on the average and maximum Wastewater or Industrial Waste constituents and characteristics, including flow, Local Limits and/or Categorical Standards, as applicable;
 - (2) List of Prohibited Discharges, as presented in Section III, Article 1 of this Ordinance;
 - (3) Requirements for submission of technical reports or Discharge reports, including the information to be contained therein and the signatory requirements of these reports;
 - (4) Specifications for monitoring programs which may include the specific substances to be analyzed, sampling locations, frequency of sampling, number, types and standards for tests, toxicity testing, procedures for sampling and reporting schedules;

- (5) Requirements for maintaining and retaining records relating to Industrial Waste and Wastewater Discharges and characteristics as specified by the Borough, and affording the Borough access thereto;
 - (6) Applicable Best Management Practices will be included in an IU's Wastewater Discharge Permit, as required by 40 CFR 403.8(f)(1)(iii)(B)(3) and outlined in Section III, Article 1.9.
 - (7) Requirements for notification to the Borough of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being Discharged into the Sewer System;
 - (8) Requirements for notification of Slug Loads and Spills as per Section III, Article 1, paragraph 1.9;
 - (9) Statement of duration of the Wastewater Discharge Permit, as provided in paragraph 3.9 of this Article;
 - (10) Notification of the rules regarding transferability, as stated in paragraph 3.8 of this Article;
 - (11) Notification of penalties provided for Noncompliance as contained in Section III, Article 4 and Section IV of this Ordinance;
 - (12) Requirements pertaining to modification, suspension, and termination of the Wastewater Discharge Permit, and notification of appeal rights;
 - (13) Limits on average and maximum rate and time of Discharge or requirements for flow regulation and equalization;
 - (14) Requirements for installation and maintenance of inspection and sampling facilities;
 - (15) Requirements for installation and maintenance of Pretreatment facilities;
 - (16) Requirements for developing and implementing special plans or practices such as Toxic Organic Management Plans, Toxic Reduction Evaluations, special management or housekeeping practices, or other such procedures;
 - (17) Compliance schedules;
 - (18) The unit charge or schedule of User charges and fees for the Wastewater to be Discharged to the Sewer System; and
 - (19) The Industrial User must notify the Borough immediately of any changes at its facility causing it to no longer meet conditions outlined in Section 3.4 of this Article regarding No Pollutant Present. Upon notification, the IU must immediately comply with reporting requirements set forth in the current Wastewater Discharge Permit.
 - (20) Other conditions as deemed appropriate by the Borough to ensure compliance with this or any other applicable ordinance and applicable Federal, State and local Pretreatment Requirements.
- B. A Wastewater Discharge Permit, or general control mechanism, in addition to implementing requirements as mandated by federal pretreatment regulations, may be a means for the Borough to implement other requirements in accordance with federal, state and local law. Implementation and enforcement of such provisions shall be at the discretion of the Borough.

3.9 Transferability of Permits

Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new Person, new Industrial User, different premises, or a new or changed operation without the approval of the Borough. If such a transfer is approved by the Borough, the existing Owner or Operator shall provide a copy of the Wastewater Discharge Permit to the new Owner or Operator. Any succeeding Industrial User shall also comply with the terms and conditions of the existing Wastewater Discharge Permit. The Borough may, at its discretion, deny the transfer of a Wastewater Discharge Permit and require application for a new Wastewater Discharge Permit by the transferee under the provisions of this Section.

3.10 Duration and Modification of Wastewater Discharge Permits

- A. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period of less than five years or may be dated to expire on a specific date. Except as otherwise approved by the Borough, the Industrial User shall apply for reissuance of the Wastewater Discharge Permit a minimum of 90 days prior to the expiration of the Industrial User's existing Wastewater Discharge Permit.
- B. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Borough during the term of the Wastewater Discharge Permit as limitations or requirements as identified in Section III, Article 1 are modified or other just cause exists, including but not limited to the following.

- (1) Violation by the Permittee of any term or condition of the Wastewater Discharge Permit and/or any requirement set forth in an applicable pretreatment law, ordinance, regulation or rule by the Permittee;
- (2) A Wastewater Discharge Permit was obtained by misrepresentation or failure to disclose fully all relevant facts in either a permit application, application for renewal, or any report, including the falsification of self-monitoring reports or the tampering with monitoring equipment;
- (3) Promulgation of more stringent standards under Federal, State or local law, including the adoption of new or revised pretreatment ordinances by the Borough;
- (4) Changes in the processes used by the Permittee or changes in the volume or character of the Industrial Waste;
- (5) Changes in the design or capability of the POTW, NPDES permit requirements or sludge disposal requirements;
- (6) A change in any condition that requires a temporary or permanent reduction or elimination of the Discharge;
- (7) Failure to allow timely access to the Industrial User's facility or records; and
- (8) Failure to timely pay fines, fees or applicable sewer charges.

3.11 Continuation of Expired Permits

- A. If the Industrial User has applied for renewal as provided for in paragraph 3.9 of this Section III, Article 3, and the Wastewater Discharge Permit is not renewed on or before the expiration date through no fault of the Industrial User, then the existing Wastewater Discharge Permit shall remain in effect pending a decision on the application for a re-issued permit by the Borough.

- B. If the Wastewater Discharge Permit is not renewed because of a failure of the Industrial User to apply for renewal in a timely fashion or through an act or omission of the Industrial User, then Discharge of Industrial Waste by the Industrial User without a Wastewater Discharge Permit is an Unauthorized Discharge and may be subject to the enforcement actions provided for herein.

3.12 Appeal of Wastewater Discharge Permits

- A. Any Industrial User that is issued or reissued a Wastewater Discharge Permit may appeal the Permit conditions, in whole or in part. If a Wastewater Discharge Permit is modified during its effective term, the Industrial User may appeal only the conditions which have been changed. Appeal procedures applicable to these permit actions, as well as suspension or revocation of a Wastewater Discharge Permit, shall be as set forth in Section III, Article 4, paragraph 4.7 of this Ordinance.
- B. During the process of appeal, the Wastewater Discharge Permit shall remain in effect and shall be subject to potential enforcement unless, upon the request of the Permittee, the Borough grants a stay of Permit condition(s). Pursuant to Article 4, paragraph 4.7, conditions imposed by Federal or State Regulations (e.g. - Categorical Standards) shall not be appealed or stayed. Conditions which, in the opinion of the Borough, would constitute a hazard or pose a potential threat of Pollution if stayed, shall not be stayed during an appeal.
- C. The denial of issuance of a Wastewater Discharge Permit may be appealed under the procedures set forth in Section III, Article 4, paragraph 4.7 of this Ordinance.

3.13 Baseline Monitoring Reports

- A. Where an Industrial User, subject to a newly promulgated Categorical Standards (i.e., an Existing Source), has not previously submitted an application for a Wastewater Discharge Permit as required by Section III, Article 3, paragraph 3.5 of this Ordinance the Industrial User shall, within 180 days after the promulgation of the applicable Categorical Standard;
- (1) Apply for a Wastewater Discharge Permit; and
 - (2) Provide the Baseline Monitoring Information required by 40 CFR. § 403.12(b) (this information may be incorporated into the application for a Wastewater Discharge Permit); and
 - (3) Provide a compliance schedule for meeting the Pretreatment Standards as required by 40 CFR. §403.12(c) if such a schedule is required. The requirements of such a compliance schedule are described in paragraph 3.5, subparagraph L of this Article.
- B. An Industrial User with an existing Wastewater Discharge Permit shall submit to the Borough within 180 days after the promulgation of an applicable Categorical Standard the information required by 40 CFR. § 403.12(b).
- C. A New Source or Industrial User that becomes a Categorical Industrial User through a change in facilities or processes, shall submit a report containing the information required by 40 CFR. § 403.12(b) at least 90 days prior to commencement of discharge from the regulated process or facility. This information may be incorporated into the application for a Wastewater Discharge Permit submitted in such time frame.
- D. Baseline Monitoring Reports and all Required Industrial User Reports shall be signed and certified by an Authorized Representative in accordance with 40 CFR. §403.12(l) and 403.6(a)(2)(ii).

3.14 Categorical Compliance Report

Within 90 days following the date for final compliance with applicable Categorical Standards or, in the case of a New Source, following the commencement of the Discharge of Industrial Waste from processes regulated by Categorical Standards into the Sewer System, any Industrial User subject to Categorical Standards shall submit to the Borough a report in accordance with 40 CFR. §403.12(d), including information indicating the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Categorical Standards and the average and maximum daily flow for those process units in the Industrial User's facility which are limited by such Categorical Standards. The report shall certify that the information contained therein concerning Wastewater constituents and flows is representative of Discharges during normal work cycles. The report shall also state whether the applicable Categorical Standards are being met on a consistent basis and, if not, what additional Operation and Management practices and/or Pretreatment is necessary to bring the Industrial User into compliance with the applicable Categorical Standards, and including a schedule for completion of the required actions in the form described in paragraph 3.5, subparagraph L of this Article. Such a schedule shall not have a compliance date later than that established for the applicable Categorical Standard. This statement shall be signed by an Authorized Representative of the Industrial User in accordance with 40 CFR. §§ 403.12(l) and 403.6(a)(2)(ii), and certified to by a Certified Professional.

3.15 Periodic Compliance Reports

- A. All Industrial Users (Categorical and Significant Non-Categorical) must report to the Borough, on forms prescribed by the Borough, at least twice a year; the date of the report to be as determined by the Borough. Reports may be required more frequently as deemed necessary by the Borough.
- B. The reports required under this Section must contain the information required by 40 CFR. § 403.12(b), § 403.12(d), § 403.12(e), § 403.12(g), and/or § 403.12(h), as applicable including, at a minimum, data that is representative of conditions during the reporting period, the measured concentrations of all Pollutants regulated by Categorical Standards or otherwise regulated by the Wastewater Discharge Permit, a record of any measured daily flows and a statement of accuracy and completeness signed and certified by the Authorized Representative of the Industrial User in accordance with 40 CFR. §§ 403.12(l) and 403.6(a)(2)(ii). Reports shall also contain any other information as required by the Borough.
- C. For Significant Industrial Users subject to Categorical Standards, if Discharge limits are based on mass units per production unit, then production information regarding the regulated processes during the reporting period shall be included in the report, along with flow and concentration values, so that a determination of Compliance or Noncompliance with Categorical Standards can be made.
- D. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (or pollution prevention alternative), the IU shall submit documentation required by the Borough or the Pretreatment Standard necessary to determine the compliance status of the IU.
- E. For Significant Industrial Users subject to Categorical Standards, the report shall contain certification of Compliance with those Standards, signed by a Certified Professional.
- F. An annual certification by Non-Significant Categorical Industrial Users, determined by the Borough pursuant to § 403.3(v)(2), must annually submit a certification statement. This statement is to signed in accordance with the signatory requirements in § 403.12(l) and shall be included in the IU's Wastewater Discharge Permit. This certification must accompany an alternative report required by the Borough.

3.16 Reporting and Resampling of Discharge Limit Violations

- A. If upon receipt of valid sampling and testing results an Industrial User becomes aware that a violation of Discharge limits has occurred, the Industrial User shall, within 24 hours of becoming aware of the violation, notify the Borough of this fact. Also, except as otherwise approved by the Borough and provided by 40 CFR § 403.12(g)(2)(i) and (ii), the Industrial User shall also re-sample and analyze its Discharge(s) for each parameter found to be in violation and report the results of the re-sampling and analysis to the Borough within 30 days of becoming aware of the violation.
- B. If the Borough has performed the initial sampling event, the Industrial User may be required, if notified by the Borough, to re-sample and follow the procedures set forth in 3.15 A. of this Section; otherwise, the repeat sampling shall be performed by the Borough as required by 40 CFR § 403.12(g)(2).
- C. Each Significant Industrial User shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any Wastewater Discharge Permit condition has been violated. Failure to examine and compare testing results with Wastewater Discharge Permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

3.17 Sampling and Analysis

- A. Each Industrial User, including SIUs and NSCIUs, must perform waste stream sampling and analyses, including frequency and sample type, in accordance with its Wastewater Discharge Permit or as otherwise required by the Borough.
- B. All sampling and analysis performed by the Industrial User, including SIUs and NSCIUs, in compliance with Wastewater Discharge Permit conditions, to prepare the reports required in paragraphs 3.12, 3.13, 3.14 and 3.15 of this Article, or as otherwise required by the Borough must be based on data obtained through appropriate sampling and analysis during the reporting period. Sampling procedures and techniques are specified in 40 CFR Part 136, CFR 40 CFR §403.12(g)(3) and (4), or appropriate EPA guidance, including appropriate preservation techniques. Unless otherwise required, all sampling should be performed during a Normal Production Day and should reflect the usual and typical Wastewater Discharge of the User.
- C. The Industrial User, including SIUs and NSCIUs, may monitor more frequently than otherwise required by the Borough. If the Industrial User monitors any pollutant, subject to an effluent limitation at the location designated for compliance monitoring, more frequently than otherwise required by the Borough, using the procedures set forth in 40 CFR Part 136 or otherwise required, the results of such monitoring shall be included in the calculation and reporting of the data submitted to the Borough.
- D. Where the Borough performs the sampling or collects the required information herein, the Borough may waive the corresponding reporting requirement as provided in 40 CFR §§ 403.12(g) and 403.12(h).
- E. The Industrial User shall ensure that all monitoring and analytical equipment it uses to monitor or otherwise analyze the pollutants discharged to the Sewer System are periodically calibrated and maintained at intervals which ensure the accuracy of measurements.

- F. If sampling results indicate that the Industrial User has exceeded an effluent limitation, the Borough, as an enforcement response to such violation, may require the Industrial User to undertake increased sampling. Upon notification from the Borough, or as the condition of a compliance schedule, the Industrial User shall undertake such additional monitoring as directed. In the event a violation has occurred, and no IU self-monitoring is required, the Borough will re-sample if necessary.

3.18 Monitoring Facilities

- A. The Borough may require an Industrial User to provide and operate at the Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Wastewater or Industrial Waste Discharge. The monitoring facility should normally be situated on the Industrial User's premises, but the Borough may, when such a location would be impractical or cause undue hardship on the Industrial User, 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.
- B. 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 Industrial User.
- C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Borough's requirements and all applicable local construction standards and specifications.
- D. Construction shall be completed within 90 days following written notification by the Borough, unless the Industrial User can show to the Borough's satisfaction that a longer time period is necessary.

3.19 Inspections

The Borough and its duly authorized representatives, including contractors, may inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater is created or Discharged shall allow the Borough or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. Areas which are subject to inspection include, but are not limited to, areas which could result in Wastewater Discharge to the Sewer, such as manufacturing areas and chemical storage areas; Pretreatment facilities; spill prevention and control facilities; hazardous waste generation areas; industrial self-monitoring facilities and areas where relevant documentation is kept or stored. The Borough and Approval Authority and their agents shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry onto their premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Borough and Approval Authority will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. It shall not be inferred, however, that the Borough is authorized to enter upon property of any Industrial User under this section for any purpose in the event such entry is not otherwise allowable under Pennsylvania law.

3.20 Pretreatment Facilities

Industrial Users shall provide necessary Wastewater Pretreatment as required to comply with this Ordinance and shall achieve Compliance with all applicable Categorical Standards within the time limitations as specified by the applicable Categorical Standards, and, for other Pretreatment Requirements, shall achieve Compliance as specified by the State or Borough, whichever is more stringent. Any facilities required for Pretreatment shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Borough for review, and shall be acceptable to the Borough before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce a Discharge which complies with the provisions of this Ordinance. Any subsequent substantial changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the Borough prior to the Industrial User's initiation of the changes. The review and acceptance of plans and procedures by the Borough shall not be considered as an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the Industrial User.

3.21 Change in Operations

- A. Any Industrial User contemplating or planning a substantial change in the manufacturing process, raw materials, auxiliary processes, Pretreatment processes or other changes which may result in substantial changes to Wastewater character, composition, volume or rate of flow, shall notify the Borough, in accordance with § 40 CFR 403.12(j), in writing at least 30 days prior to making such a change, or, if the change is not planned 30 days or more in advance, immediately upon the decision to make such a change. If a change in Wastewater characteristics occurs without the knowledge of the Industrial User, the Industrial User shall report the change immediately upon becoming aware of it. The report shall include all information necessary to determine the effect on the Wastewater of the change. The Borough may require the Industrial User to undertake a compatibility study to demonstrate to the satisfaction of the Borough that the wastewater to be discharged is compatible with the Sewer System, will not affect any requirements imposed upon the Borough (including sludge disposal requirements) and will not otherwise adversely affect the POTW.
- B. The Borough may, on receipt of such a report:
 - (1) Continue an existing Wastewater Discharge Permit in effect;
 - (2) Require application for a new Wastewater Discharge Permit;
 - (3) Modify an existing Wastewater Discharge Permit to reflect the changed nature of the waste;
 - (4) Rescind and re-issue an existing Wastewater Discharge Permit in order to make substantial changes in Wastewater Discharge Permit conditions;
 - (5) Revoke an existing Wastewater Discharge Permit or require the Industrial User to cease or prevent the Discharge; or
 - (6) Take such other action as it deems appropriate.

3.22 Confidentiality

- A. Information and data on an Industrial User obtained from reports, questionnaires, Wastewater Discharge Permit applications and monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the Industrial User specifically requests at the time of submission and is able to demonstrate to the satisfaction of the Borough that the release of such information, processes or methods of production are entitled to protection as trade secrets of the Industrial User. Wastewater constituents and characteristics shall not be recognized as confidential information.
- B. When requested by the Person furnishing a report, and supported by evidence acceptable to the Borough as to need for protection as confidential material, the portion 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 to the Borough and, upon request, to governmental agencies for uses related to this Ordinance, the Authority's NPDES Permit, any State permit and/or the Industrial Pretreatment Program; in addition, such portions of a report shall be available for use by the EPA, the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report.
- C. When information accepted by the Borough as confidential is transmitted to any government agency, a notification to the Industrial User may be provided listing the confidential information transmitted, and the governmental entity requesting it. The person seeking confidentiality protection of the information shall bear the burden of demonstrating to the other governmental agency that such information is entitled to confidential protection.

3.23 Records

- A. All Industrial Users shall keep and maintain records of monitoring activities and results, Wastewater Discharge Permits, waivers, reports, and records of BMP compliance to the Borough, in accordance with 40 CFR § 403.12(o)(1) and (2), for a minimum of 3 years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Ordinance, or where the Industrial User has been notified of a longer retention period by the Borough.
- B. The Industrial User shall furnish the Borough, within a reasonable time, any information which the Borough may request to determine whether cause exists for modifying, reissuing, suspending or revoking a Wastewater Discharge Permit or to determine Industrial User compliance. The Industrial User shall also furnish to the Borough, upon request, copies of records required to be kept. Where the Industrial User becomes aware that it failed to submit any relevant facts in an application for a Wastewater Discharge Permit, or submitted incorrect information in an application for a Wastewater Discharge Permit, report to the Borough, or in any other correspondence or communication pertaining to its Industrial Wastewater Discharge, it shall promptly submit such facts or information.

Article 4 **ENFORCEMENT**

4.1 Right to Refuse

- A. The Borough reserves the right to refuse to accept Wastewater, or combinations of Wastewater, which are Discharged in violation of the terms or conditions of the Industrial Pretreatment Program, or any permit or written directions issued by the Borough pursuant to the conditions of the Industrial Pretreatment Program. The Borough may take such steps as it deems necessary, as outlined in this Ordinance, to compel discontinuance of use of the Sewer System or to require Pretreatment of Industrial Wastes in order to comply with the provisions of this Ordinance. The Borough may exercise its right of refusal by denial of issuance of a Wastewater Discharge Permit; in such a case the Discharge of Industrial Waste by the Industrial User in question is prohibited.

- B. Discharge of any Industrial Waste to the Sewer System by a Significant Industrial User, or by any other User required to have a Permit under Article 3, paragraph 3.3, without a Wastewater Discharge Permit is an Unauthorized Discharge, as provided in Article 3, paragraph 3.1 of this Section, and may be subject to the penalties provided herein.

4.2 Show Cause Hearing

- A. The Borough may direct any Industrial User who causes or allows an Unauthorized Discharge to enter the Sewer System, or who violates any condition or requirement of the Industrial Pretreatment Program or its Wastewater Discharge Permit, to show cause before the Borough why the proposed enforcement action should not be taken. A written notice may be served on the Industrial User specifying the time and place of a hearing to be held by the Borough regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the Industrial User to show cause before the Borough why the proposed enforcement action should not be taken. The notice of the hearing may be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation if the Industrial User is a corporation.
- B. The Borough may itself conduct the hearing and take the evidence, or may designate any of its members or any representative to:
- (1) Issue in the name of the Borough notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (2) Take the evidence;
 - (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Borough for action thereon.
- C. At any hearing held pursuant to this Ordinance, testimony taken may 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.
- D. After the Borough has reviewed the evidence, it may, in writing, direct the Industrial User to take certain actions to correct the Unauthorized Discharge or to achieve Compliance. The actions which may be directed include, but are not limited to:
- (1) Installation of Pretreatment facilities or equipment;
 - (2) Modification or additions to existing Pretreatment facilities or equipment;
 - (3) Initiation of management practices which are required to alter the nature of the Industrial Waste being Discharged;
 - (4) Development or implementation of SPCC plans or other measures;
 - (5) Other measures found to be necessary to correct the Unauthorized Discharge or other Noncompliance.
 - (6) The direction may be in the form of a schedule for Compliance, setting dates by which certain actions shall be taken.
- E. Failure of an Industrial User to comply with written directions issued pursuant to a hearing constitutes a violation of this Ordinance.

4.3 Revocation of Permit

- A. Any Industrial User who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having its Wastewater Discharge Permit revoked.
- (1) Failure of an Industrial User to factually report the Wastewater constituents and characteristics of its Discharge in any application for a Wastewater Discharge Permit, or in any reports required by paragraphs 3.12, 3.13, 3.14 or 3.15 of Article 3 of this Section;
 - (2) Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics as required in Article 3, paragraph 3.20 of this Section;
 - (3) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or
 - (4) Violation of conditions of the Wastewater Discharge Permit.
- B. Any Industrial User notified of a revocation of its Wastewater Discharge Permit may be required to immediately stop or eliminate the Discharge (even if an appeal of the revocation notice is pending). In the event of a failure of the Industrial User to comply voluntarily with the notice of revocation, the Discharge shall be considered an Unauthorized Discharge and the Borough may take such steps as deemed necessary, which may include immediate severance of the connection between the Building Sewer and the Sewage Collection System, or discontinuance of water service, to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person.

4.4 Suspension of Permit

- A. The Borough may suspend the Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Borough, 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 or the environment; causes or may cause Interference or Pass Through; or causes or may cause the Authority to violate any condition of an NPDES Permit or any other federal or State law, rule, regulation or permit condition.
- B. Any Industrial User notified of a suspension of its Wastewater Discharge Permit may be required to immediately stop or eliminate the Discharge (even if an appeal of the suspension notice is pending). In the event of a failure of the Industrial User to comply voluntarily with the notice of suspension, the Discharge shall be considered an Unauthorized Discharge and the Borough may take such steps as deemed necessary, including immediate severance of the connection between the Building Sewer and the Sewage Collection System, or discontinuance of water service to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person.
- C. If a Wastewater Discharge Permit has been suspended as a result of an Unauthorized Discharge, which Discharge resulted in or contributed to damages to the Sewer System or to any Person or property, the Wastewater Discharge Permit shall not be reinstated until such time as all such damage claims have been satisfied.
- D. The Borough may reinstate the Wastewater Discharge Permit upon submission of proof by the Industrial User of the elimination of the Unauthorized Discharge or correction of the Noncompliance for which the suspension was imposed.

4.5 Notice of Violation

Whenever the Borough finds that any Industrial User has violated or is violating this Ordinance, its Wastewater Discharge Permit, or any prohibition, limitation or requirements contained herein, the Borough may serve upon such Industrial User a written notice stating the nature of the violation, and requiring a response within a specified time. Responses required of Industrial Users may include, but are not restricted to, actions, plans, compliance schedules, or written explanations.

4.6 Administrative Orders

The Borough may issue written directions as described in paragraph 4.2, part D, of this Article without a Show Cause Hearing if the Borough determines that such directions are necessary to correct conditions or remedy continuing violations of this Ordinance or any Wastewater Discharge Permit or other requirements of the Industrial Pretreatment Program, the Borough, or Federal or State regulations. Failure of an Industrial User to comply with written directions requiring compliance with provisions under this Ordinance, National Categorical Pretreatment Standards, or a duly authorized Wastewater Discharge Permit constitutes a violation of this Ordinance.

4.7 Right of Appeal

A. An Industrial User may appeal the enforcement actions enumerated above in paragraphs 4.3 and 4.4 of this Article, the denial of a Wastewater Discharge Permit, or conditions contained in a Wastewater Discharge Permit. An appeal is subject to the following requirements.

- (1) The appeal must be made in writing to the Borough Council.
- (2) The appeal must be made within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit, or notice of denial, suspension, modification or revocation of a Wastewater Discharge Permit being appealed by the Industrial User.
- (3) The appeal must state the specific provision(s) of a Wastewater Discharge Permit or the specific directions or actions of the Borough which are being contested.
- (4) The appeal must state the reasons for the appeal of each provision.
- (5) The appeal may suggest alternate or revised provisions to replace those appealed.
- (6) An appeal of a Wastewater Discharge Permit may include a request to stay specific Permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such a request. Filing of a request does not stay any condition of a Wastewater Discharge Permit. Such a stay must be approved by the Borough Council, as provided in subparagraph D below.

B. Provisions specifically mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed. Conditions which, in the opinion of the Borough, would constitute a hazard or pose a potential threat of Pollution if stayed, shall not be stayed during an appeal.

C. An appeal shall be made to the Borough Council, and may be reviewed by the Council or, at its sole discretion, may be reviewed by any designated representative(s) of the Borough Council, provided:

- (1) The reviewer shall not be the Pretreatment Coordinator; and

- (2) The reviewer shall not be the Borough Manager.
- (3) The reviewer(s) reviewing the appeal shall report in writing to the Borough Council the results of the review. The report should contain, at a minimum:
 - (a) A summary of each item appealed, the appellant's reasons for appeal, and the appellant's proposed remedies, if any.
 - (b) The finding of merit for each point, and the reason(s) for finding.
 - (c) For each point found to be with merit, a proposed remedy, and a finding that the proposed remedy is allowable under this Ordinance, and all applicable federal, State and local rules, regulations and laws.
- D. The Borough Council, or a board appointed by the Borough Council for the purpose, shall review the appeal, and any report prepared as provided by subparagraph C of this section, and, at one or more regular or special public meetings, take any additional testimony offered by the appellant, the reviewer, the Pretreatment Program Coordinator, or other interested party. The Borough may, within a reasonable time, decide to:
 - (1) Grant a stay of Wastewater Discharge Permit conditions pending a decision on the merits of a Permit appeal;
 - (2) Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
 - (3) Deny the appeal.

The decision by the Borough constitutes final administrative action.

- E. If the Borough, or any hearing board appointed by the Borough shall have as a member any Person who has a financial, legal or other proprietary interest in the Industrial User bringing the appeal, such Person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.

4.8 Civil Actions

If any Person violates the provisions of the Industrial Pretreatment Program, including local, national, or State Pretreatment Requirements, Categorical Standards, or any Wastewater Discharge Permit or written directions issued by the Borough, the Borough may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Blair County, or any other appropriate forum.

4.9 Injunctive Relief

If any Person (1) causes or permits an Unauthorized Discharge to occur, (2) otherwise violates the conditions imposed by this Ordinance or any Wastewater Discharge Permit, schedule, or written directions issued by the Borough, or any national or State Pretreatment Requirement, or (3) Discharges Wastewater or Industrial Waste which otherwise presents or may present an endangerment to the environment or which threatens to interfere with the operations of the POTW, the Borough may commence an action in the Court of Common Pleas of Blair County, or any other appropriate forum, for injunctive relief to stop the Discharge or violation, or to require Compliance with the applicable condition.

4.10 Enforcement Response Plan

The Borough Manager and the Pretreatment Coordinator may be guided by the Enforcement Response Plan when reviewing Industrial User reports, inspection results and other compliance information, and when taking enforcement action or recommending to the Borough enforcement action in response to Noncompliance.

4.11 Significant Violators

The Borough shall publish annually, in any local daily newspaper of general circulation within the Borough of Hollidaysburg that provides meaningful public notice, a list of Significant Industrial Users that were found to be in Significant Noncompliance during the previous calendar year and any Industrial User that caused pass-through, interference, imminent endangerment, or adversely affected the pretreatment program. Significant Noncompliance shall be determined using measures of rate, magnitude, and type of Noncompliance, as delineated below:

- A. Chronic violations of Numeric Local Limits [40 CFR 403.8 (f), (2), (viii), (A), (B) and (C)], Prohibitive Discharge Standards, Categorical Standards and Requirements, or other numerical limitations on Discharges of Industrial Waste. A Chronic violation occurs if the violation occurs in 66 percent or more of all measurements taken during a 6-month period (by any magnitude) a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined in 40 CFR 403.3 (1).
- B. Technical Review Criteria (TRC) violations of Numeric Local Limits, Prohibitive Discharge Standards, Categorical Standards and Requirements, or other numerical limitations on Discharges of Industrial Waste. A TRC violation occurs if 33 percent or more of all of the measurements for the same Pollutant parameter in a 6-month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, and the applicable TRC. For conventional Pollutants (BOD, Total Suspended Solids and fats, oil and grease), the TRC equals (1.4); for all other Pollutants except pH, the TRC equals (1.2).
- C. Any other violation of Pretreatment Local Limits, Prohibitive Discharge Standards or Requirement as defined by 40 CFR 403.3 (1) (daily maximum, long term average, instantaneous limit, or narrative standard), waste which the Borough determines has caused, alone or in combination with other Discharges, Pass Through or Interference, or has endangered the health or safety of Borough or POTW personnel or the public.
- D. Any Discharge that has caused imminent endangerment to human health, welfare or the environment, or has caused the Borough to exercise its emergency authority under Article 4, paragraphs 4.1, 4.3 or 4.4 of this Section.
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or submitted in response to written directions of the Borough, for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within forty-five (45) days after the due date, any required reports, including but not limited to baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules, or reports on a change in operations.
- G. Failure to accurately report any Noncompliance.
- H. Any other violation, Noncompliance, which may include a violation of Best Management Practices, or group of violations or Noncompliances which the Borough determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

The Borough, subject to its discretion, may, as an enforcement response, publish notification of Industrial User Noncompliance on a more frequent basis than annually or if the level of Industrial User Noncompliance does not meet the Significant Noncompliance standard.

4.12 Responsible Officials

Except as may be otherwise provide herein, the Borough Manager shall administer and enforce the provisions of this Ordinance. The Borough Manager may delegate any or all powers granted by this Ordinance to the Pretreatment Coordinator, or to others as deemed appropriate.

SECTION IV PENALTIES

- A. Any Person who violates any provisions of this Ordinance, or the rules, regulations and permits issued hereunder, may be subject to a civil monetary penalty pursuant to applicable law. 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 Borough may recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the Person found to have violated this Ordinance or the orders, rules, regulations, and permits issued hereunder. Except for a violation which has been subject to a civil or criminal penalty by the Borough, nothing shall be deemed to preclude the Borough from commencing an action for a penalty of \$25,000 per day for each violation pursuant to 35 Pa. C.S. §752.1 et seq (the Publicly Owned Treatment Works Penalty Law, Act of March 26, 1992, P.L. 23, No. 9), subject to the appeal procedures as specified in 2 Pa. C.S.
- B. In addition to any applicable civil or criminal penalty, the User is liable for:
 - (1) All damage which its Discharge causes to the Sewer System or POTW if that damage is caused, in whole or in part, by the Industrial User's Noncompliance with its Wastewater Discharge Permit or with any applicable law, ordinance, regulation, rule or Pretreatment Requirement and
 - (2) Any penalty imposed upon the Borough (whether by judicial or administrative order or the settlement of a judicial or administrative penalty action) where the violation of the Borough was caused or increased in severity by the Industrial User, either alone or in conjunction with discharge(s) from other source(s).

SECTION V REMEDIES NOT EXCLUSIVE

The enumeration of remedies in Sections III and IV of this Ordinance does not restrict their application and shall not be deemed to preclude any other Borough remedies, enforcement responses or other causes of action, including those available under common law. Nothing in this Ordinance, the Enforcement Response Plan or any other provision of the Borough's approved Pretreatment Program shall be intended to limit the enforcement discretion of the Borough to enforce Pretreatment Requirements as otherwise provided for by law.

**SECTION VI SPECIAL AGREEMENTS AND/OR WAIVER OF
PRETREATMENT REQUIREMENTS**

Nothing contained in this Ordinance shall be construed as prohibiting special agreements between the Borough and a Person Discharging Industrial Wastes or Wastewaters to the Sewer System, or for the Borough to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Borough, are present; provided, however, that:

- A. National Categorical Pretreatment Standards and Prohibitive Discharge Standards (including the general and specific prohibitions set forth at 40 CFR §§ 403.5(a) and (b)) shall not be waived, unless such waiver is granted by mechanisms established under the Federal Pretreatment Regulations (40 CFR 403 et seq); and

- B. In no case shall a special agreement or waiver of Local Limits allow for an Industrial User to Discharge any Pollutant which, alone or in combination with other regulated Industrial User Discharges, would reasonably be expected to exceed the mass loadings determined by the Borough as acceptable to the Sewage Treatment Plant based upon considerations of, among other things, Interference, Pass Through and sludge contamination. The Borough may consider other factors (e.g., effect of the Discharge on the POTW, future expansion, etc.), as it deems appropriate. In no event shall special agreement or waiver allow the sum of the loadings allocated to Industrial loadings to exceed the values set forth in any Local Limits analysis submitted by the Borough to EPA and approved by EPA as part of the Industrial Pretreatment Program.

- C. The Borough may require an Industrial User requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the Industrial User cannot reasonably expect to meet the effluent limitation contained in its Wastewater Discharge Permit, setting forth an expeditious schedule for achieving Compliance with such limitations, and including such other information as the Borough may require. In granting any special agreement or waiver the Borough may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving Compliance. In granting any special agreement or waiver, the Borough may impose any other conditions deemed necessary to implement the purposes of this Ordinance.

- D. If granting a special agreement or waiver would result in increased costs to the Borough, (e.g. treatment, monitoring, sludge disposal costs), the Borough may condition the special agreement or waiver upon the agreement of the Industrial User to pay those costs, and to provide security adequate in the judgement of the Borough to assure payment of said costs.

SECTION VII **CONSTRUCTION AND SEVERABILITY**

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Borough that such remainder shall be and shall remain in force and effect. Provision of headings in this resolution are solely for convenience and shall have no effect on the legal or technical interpretation of any provision or requirement.

SECTION VIII **ENACTMENT OF THIS ORDINANCE**

Article 1 EFFECTIVE DATE

This Ordinance shall become effective immediately upon its enactment.

Article 2 REPEALER

All previous ordinances and parts of ordinances which are inconsistent with this Ordinance herewith shall be and the same hereby expressly are repealed.

Article 3 SHORT TITLE

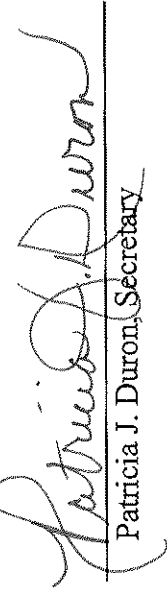
This ordinance may be cited as the "BOROUGH OF HOLLIDAYSBURG INDUSTRIAL PRETREATMENT ORDINANCE OF 2025".

This Ordinance replaces in its entirety Ordinance 886.

ORDAINED AND ENACTED by the Council of the Borough of Hollidaysburg this 12th day of June 2025.


Sean M. Burke, President of Council

ATTEST:


Patricia J. Duron, Secretary

Approved by me this 12th day of June 2025.


Joseph R. Dodson, Mayor

I, Patricia J. Duron, Secretary of the Borough of Hollidaysburg, do hereby certify that the foregoing is Ordinance No. 915 adopted the 12th day of June 2025, and duly advertised in the Altoona Mirror on May 15, 2025.

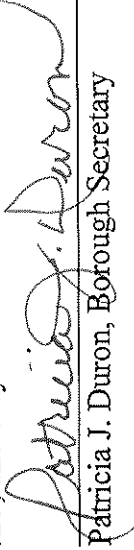

Patricia J. Duron, Borough Secretary

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