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Part 1

Sewer Use

A. Definitions.

§101. Definitions of Terms Used in Sewer Regulations.

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

ABNORMAL INDUSTRIAL WASTE — any industrial waste having a suspended solid content or B.O.D. appreciably in excess of that normally found in municipal sewage. For the purposes of this Part any industrial waste containing more than 350 parts per million of suspended solids, or having a B.O.D. in excess of 300 parts per million, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.

APPROVING AUTHORITY — the Borough of Hollidaysburg or its duly authorized agent or representative.

AUTHORITY — the Hollidaysburg Sewer Authority.

B.O.D. (BIOCHEMICAL OXYGEN DEMAND) — the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in five days at 20° C, expressed in parts per million by weight. It shall be determined by one of the acceptable methods for the Examination of Water and Sewage published by the American Public Health Association.

BOROUGH — the Borough of Hollidaysburg, PA.

COMBINED SEWER — a sewer designed to receive both sewage and storm water runoff.

GARBAGE — solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES — any liquid, gaseous or waterborne wastes from industrial processes or commercial establishments, as distinct from sanitary sewage.

OCCUPIED BUILDING — any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.

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PERSON — any individual, partnership, association or corporation.

pH — the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

PREMISES ACCESSIBLE TO THE SANITARY SEWERAGE SYSTEM — any real estate abutting on or adjoining any street in which is a sewer of the public sanitary sewerage system, or any real estate which might be connected to that system by construction of a private sewer of not more than 100 feet in length.

PROPERLY SHREDDED GARBAGE — the wastes from the preparation, cooking and dispensing of food that has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SANITARY SEWERAGE SYSTEM — all separate sanitary sewers, all combined sewers, all sewage pumping stations, all sewage treatment works, and all other facilities provided and owned or leased as lessee by the Borough of Hollisburg for the collection, transportation and treatment of sanitary sewage and industrial wastes with their appurtenances, and any additions, extensions or improvements thereto that may be made by the Borough or the Authority. It shall also include sewers within or outside the Borough limits, which serve two or more persons and discharge into the Borough sanitary sewerage system, even though those sewers may not have been constructed by Borough funds. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and sewage runoff, the discharge from which is not and does not become tributary to the Borough's sewage treatment facilities.

SANITARY SEWAGE — the normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water or ground water.

SANITARY SEWER — a sewer which carries sewage and to which storm, surface, and ground waters are not intentionally admitted.

SEWAGE — a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such ground, surface or storm water as may be present.

SEWER — a pipe or conduit for carrying sewage or other waste liquids.

STORM WATER RUNOFF — that portion of the rainfall which reaches a drain.

STORM SEWER — a sewer which is intended to carry storm water runoff, surface waters, ground water drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.

SUSPENDED SOLIDS — solids that either float on the surface or are in suspension in water sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

UNPOLLUTED WATER OR WASTE — any water or waste containing none of the following: free of emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 10,000 parts per million by weight of dissolved solids of which not more than 2,500 parts per million shall be as chloride and not more than 10 parts per million each of suspended solids and B.O.D. The color shall not exceed 50 parts per million. Analyses for any of the above-mentioned substances shall be made in accordance with the latest edition of Standard Methods for the Examination of Water and Sewage published by the American Public Health Association.

“Shall” is mandatory, “May” is permissible.

(Ord. 332, 5/25/1959, Art. I)

B. Discharge of Sanitary Sewage to Public Sanitary Sewerage System Required.

§121. Existing Occupied Buildings to be Connected to Accessible Sewer.

All persons owning any occupied building now erected within the Borough upon premises accessible to the public sanitary sewerage system shall, if not already connected, at their own expense, make connection with the sanitary sewerage system within three months after the effective date of this Part. (Ord. 332, 5/25/1959, §201)

§122. Newly Constructed Buildings to be Connected to Sewer.

All persons owning any premises with the Borough accessible to the public sanitary sewerage system upon which a building is hereinafter erected shall, at the time of erection of such building, and at their own expense, make the connection with the public sanitary sewerage system. (Ord. 332, 5/25/1959, §202)

§123. Connection of Buildings Hereafter Becoming Accessible to Sewer.

All persons owning any occupied building within the Borough upon premises which hereinafter become accessible to the public sanitary sewerage system shall, at their own

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expense, make the connection with the public sanitary sewerage system within three months after notice to do so from the Borough Council or its authorized representative. (Ord. 332, 5/25/1959, §203)

§124. Manner of Making Connections.

All connections to the public sanitary sewer system shall be in full accord with the Plumbing Code¹ or other applicable ordinances of the Borough of Hollidaysburg. (Ord. 332, 5/25/1959, §204)

§125. Privies, Cesspools and Similar Receptacles Unlawful.

It shall be unlawful for any person owning any occupied building within the Borough, on premises accessible to the public sanitary sewerage system, to erect, construct, use or maintain, or cause to be erected, constructed, used or maintained any privy, cesspool, sinkhole, septic tank or other receptacle on such premises for receiving sanitary sewage. (Ord. 332, 5/25/1959, §205)

§126. Unlawful Receptacles Constitute Nuisance; Abatement Thereof.

Any person who erects, constructs or maintains a privy, cesspool, sinkhole or septic tank or other receptacle for receiving sanitary sewage on any property within the Borough accessible to the public sewerage system in violation of this Part shall be deemed, and shall be declared to be erecting, constructing and maintaining a nuisance, which nuisance the Borough is hereby authorized and directed to abate in a manner provided by law. (Ord. 332, 5/25/1959, §206)

§127. Authority for Borough to Do Work and Collect Cost.

If the owner or owners of any occupied building or buildings shall neglect or refuse to comply with the provisions of this Part, the Borough may serve a written notice upon said owner or owners, or upon the tenant or party in possession of the premises. If said owner or owners cannot be found on the said premises, requiring said owner or owners to comply in every respect with the provisions of this Part within 45 days after the service of such notice, and if said owner or owners shall neglect or refuse to comply with said notice, the Borough may perform or cause to be performed such work and labor, and furnish or cause to be furnished such material as may be necessary to comply with the provisions of this Part at the cost and expense of such owner or owners together with 10% additional thereof, and all charges and expenses incident thereto, which sum shall be collected from said owner or owners for the use of the Borough as debts are by law collectible, or the said Borough may, by its proper officer, file a municipal claim or

¹ The Borough as yet has not enacted a plumbing code.

lien therefor against said premises as provided by the Act or Acts of Assembly in such cases made and provided. (Ord. 332, 5/25/1959, §207)

Part 2

Sewer System Operations and Connections

A. Rules and Regulations; Definitions

§201. General.

The following rules and regulations are hereby established to govern the management and operation of the Sewer Department of the Borough of Hollidaysburg. These rules and regulations shall hereafter form a part of every contract for sewer service supplied by the Borough; and every customer, by utilizing the facilities, agrees to be bound thereby. (Ord. 273, 2/6/1956, §1)

§202. Definitions.

As used or referred to in these rules and regulations, unless a different meaning clearly appears from the context.

CUSTOMER — the party whose property as hereinafter classified has the use of the sewer system.

A. Domestic customers include but are not limited to the following:

- (1) A residence under one roof and occupied by one family.
- (2) A combination of buildings in one common enclosure occupied by one family.
- (3) Each side of a double house or each unit of a group of row houses occupied by separate families.
- (4) Each apartment in a building having a number of apartments.
- (5) Each side or part of a house occupied by one family even though the closet and/or other fixtures be used in common.

B. Commercial customers include but are not limited to the following:

- (1) Stores
- (2) Garages
- (3) Gas stations
- (4) Barber shops

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- (5) Beauty shops
- (6) Clubs
- (7) Restaurants
- (8) Theatres
- (9) Business offices
- (10) Professional offices
- (11) Banks
- (12) Hotels and motels
- (13) Hospitals
- (14) Schools
- (15) Public buildings
- (16) Institutional homes
- (17) Poolrooms
- (18) Bowling alleys
- (19) Fraternal organizations

C. Industrial customers include but are not limited to the following:

- (1) Factories
- (2) Junk yards
- (3) Repair shops
- (4) Laundries
- (5) Assembly plants
- (6) Slaughterhouses
- (7) Dairies

HOUSE CONNECTION — that part of the sewer line from the service lateral to the outer wall of the building to be served.

SERVICE LATERAL — that part of the sewer line from the main sewer to the curb line or to the property line if there is no curb.

SEWER CHARGE — that annual charge for direct or indirect connection with and use of the sewer system.

SEWER DEPARTMENT — that department of the Borough in charge of the maintenance and operation of the Hollidaysburg sewer system.

(Ord. 273, 2/6/1956, §§2.01-2.05)

B. Sewer Connections

§221. Application.

Any property owner or properly authorized agent desiring a sewer connection into a property must first make a written application on the form furnished by the Borough, stating the street and lot number or location, the name of the owner and tenant, the purpose for which service will be used, the guarantee that such service will continue for at least one year and the exact time when the trench from curb to property will be ready for making the connection. (Ord. 273, 2/6/1956, §3.01)

§222. [Reserved].

(Ord. 273, 2/6/1956, §3.02; as amended by Ord. 359, 12/8/1960, §1; by Ord. 626, 4/13/1987; and repealed by Ord. 742, 4/17/1997.

§223. Responsibility of Customer.

The customer desiring to use the sewage facilities will be responsible for the proper observance of these rules and regulations. (Ord. 273, 2/6/1956, §3.03)

§224. Restrictions on Allowing Others to Connect to Sewer Service Line.

No owner or tenant of any premises connected with the Borough sewer system shall permit any other person or premises to use or connect with his service line except upon written permission of the Borough Manager. (Ord. 273, 2/6/1956, §3.04; as amended by Ord. 359, 12/8/1960, §2)

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§225. Requirements for Separate House Connections.

A separate house connection will be required as a unit or as one of a pair or row, but a single connection will be permitted to serve a school, factory, apartment house or other permanent multiple-unit structure whose individual apartments or units may not be subject to separate ownership. (Ord. 273, 2/6/1956, §3.05)

§226. Supervision over Work.

No sewer connection, or disconnection, shall be made except under the supervision, control and approval of the Borough Sewer Department. (Ord. 273, 2/6/1956, §3.06)

§227. Installation and Maintenance of Laterals.

Upon approval of the application of any property owner for sewer service the Borough will install a service lateral and will be responsible for the maintenance and repairs of the service lateral between the main and the curb line or the property line if there is no curb. (Ord. 273, 2/6/1956, §3.07)

§228. Installation and Maintenance of House Connections.

The house connections must be installed and maintained by and at the expense of the customer. (Ord. 273, 2/6/1956, §3.08)

§229. Manner of Installation of House Connections.

All house connections from buildings to the service laterals hereafter installed shall be constructed of a type of pipe that shall meet with the approval of the Borough Manager, shall have permanently tight joints, a minimum grade of 1%, the best possible alignment and adequate cover to protect the pipe from crushing or frost action. The entire installation shall be inspected and approved by the Sewer Department of the Borough before the line is covered and connection made. (Ord. 273, 2/6/1956, §3.09; as amended by Ord. 359, 12/8/1960, §3)

§230. Repairs, Alterations and Additions to House Connections.

No repairs, alterations or additions to any house connections of the sewer system shall be made, unless the person desiring to make the same shall first notify the Borough Sewer Department and receive permission for doing so. (Ord. 273, 2/6/1956, §3.10)

§231. Supervision over Work.

The construction or repair of house connections shall be subject to supervision and inspection by the Borough Sewer Department. All backfilling of trenches shall be made by thoroughly compacting six-inch layers of earth to a minimum height of 12 inches above the pipe bell. (Ord. 273, 2/6/1956, §3.11; as amended by Ord. 359, 12/8/1960, §4)

§232. Certain Waste Water Not Permitted in New Construction.

In all new construction where other drainage facilities are available, no roof or cellar drainage, surface water, waste from hydrants or ground water from underground drainage fields shall be permitted in the sanitary sewer system. The Borough shall have the right to require the customer to close up or disconnect from the sewer system any service lateral or house connection operating in violation of this rule upon failure by the customer to correct the violation within two weeks of date of notice to do so. (Ord. 273, 2/6/1956, §3.12)

§233. Size of House Connection.

The Borough shall specify the size of the house connection. (Ord. 273, 2/6/1956, §3.13)

§234. Violation by One or More Consumers on Same Service Line.

Where two or more consumers are supplied through the same service line, any violation of the rules and regulations of the Borough by either or any of said consumers shall be deemed a violation as to all, and the Borough may take such action as could be taken against a single consumer, except that such action shall not be taken until the innocent consumer who is not in violation of the Borough's rules has been given reasonable opportunity to attach his service line to the main sewer line. (Ord. 273, 2/6/1956, §3.14)

§235. Non-liability of Borough; Responsibility of Customer.

The Borough shall not be liable for any damage or expense resulting from leaks, stoppages or defective plumbing or from any other cause occurring to any premises or within any house or building. It is expressly stipulated by and between the Borough and the customer that no claims shall be made against the Borough on account of the breaking or stoppage of, or any damage to any lateral or house connection. No investigation of complaint will be made by the Borough until it is demonstrated that the house connection is functioning properly. (Ord. 273, 2/6/1956, §5.01)

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§236. Repair of Leaks.

All leaks in service pipes and fixtures in and upon the premises supplied inside the curb line, must be promptly repaired by the owner or occupant. On failure to make such repairs with reasonable dispatch, the Borough upon five days' notice may discontinue the service to the premises and the service will not be resumed again until all necessary repairs are made and all bills, including labor, supplies and expenses incurred in discontinuing the service are paid in full. (Ord. 273, 2/6/1956, §5.02)

C. Discontinuance of Service; Extension of Street Mains

§241. Notice of Vacation of Premises.

When the premises are vacated, the property owner must give notice at the office of the Borough and he will be responsible for the sewage charges until such notice is given. (Ord. 273, 2/6/1956, §6.01)

§242. Notice of Change of Ownership of Improved Property.

Each property must give the Borough written notice of any change of ownership of any improved property. (Ord. 273, 2/6/1956, §6.02)

§243. Procedure for Obtaining Abatement from Sewer Charges.

Property owner desiring an abatement from sewage bills shall report same in writing or call in person at the office of the Borough. All vacancies shall date from the day reported at the office of the Borough. When vacancy is properly reported, an allowance will be made for the period of vacancy, but not for a period of less than three calendar months. (Ord. 273, 2/6/1956, §6.03)

§244. Privilege to Investigate.

The Borough shall have the right of access at all reasonable times to all parts of any premises connected with the system for the purpose of examining and inspecting the connections, fixtures and water meters or for disconnecting service for any proper cause. (Ord. 273, 2/6/1956, §7.01)

§245. Extension of Street Mains.

When application has been received for sewer service requiring an extension of sewer mains or interceptors outside of the Borough, or when application has been received for extension of main into newly developed tracts of land the applicant must sign an agreement to bear the entire cost of the installation and before any work is commenced,

he must deposit with the Borough an amount sufficient to cover the entire estimated cost of the installation. If the actual cost is less than estimated he will be refunded the difference. If the actual cost is greater than estimated he shall pay the Borough the difference upon completion of the installation. (Ord. 273, 2/6/1956, §8.01)

D. Meter Reading; Billing Procedures

§251. Access to Water Meters.

All customers using metered water service must permit access to their water meter by the Borough meter reader at all reasonable times. (Ord. 273, 2/6/1956, §1.04)

§252. [Reserved].

(Ord. 273, 2/6/1956, §1.09; as amended by Ord. 359, 12/8/1960, §5; and as repealed by Ord. 742, 4/17/1997)

§253. [Reserved].

(Ord. 273, 2/6/1956, §1.10; as repealed by Ord. 742, 4/17/1997)

§254. [Reserved].

(Ord. 273, 2/6/1956, §1.13; as repealed by Ord. 742, 4/17/1997)

§255. [Reserved].

(Ord. 273, 2/6/1956, §1.15; as repealed by Ord. 742, 4/17/1997)

§256. Cancellation of Application or Discontinuance of Service.

Application may be cancelled or sewer service may be discontinued on 48 hours' notice for violation of any rules and regulations hereinbefore set forth. (Ord. 273, 2/6/1956, §1.16)

Part 3
Storm Water Runoff

A. Discharge to Sewers Prohibited.

§301. Definitions.

SANITARY SEWAGE — the water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments exclusive of storm water runoff, surface water or ground water.

SEWER — a pipe or conduit for carrying sewage or other wastes liquids.

- A. COMBINED SEWER — a sewer designed to receive both sewage and storm water runoff; or one to which both sewage or storm water runoff is being admitted.
- B. SANITARY SEWER — a sewer which carries sewage and to which storm surface and ground waters are not intentionally admitted.
- C. STORM SEWER — a sewer which is intended to carry storm water runoff, surface water, ground water, drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial wastes.

STORM WATER RUNOFF — that portion of the rain fall which reaches a drain.

(Ord. 384, 9/10/1962, §1)

§302. Discharge to Sanitary Sewers Prohibited.

The discharge of storm water runoff to separate sanitary sewers is hereby prohibited and persons presently discharging storm water runoff to separate sanitary sewers shall cease and desist such practice within three months after the effective date of this Part 3. A sewer or any portion thereof which has been carrying both sewage and storm water runoff shall become a sanitary sewer when storm water runoff has been or may be excluded therefrom, and carried away by storm water. (Ord. 384, 9/10/1962, §2)

§303. Provisions to Exclude Storm Water Required.

All persons connecting to the public sanitary sewerage system shall provide adequate means for excluding storm water runoff in event connection is made to separate sanitary sewers; or at such time as a combined sewer becomes a sanitary system. (Ord. 384, 9/10/1962, §3)

§304. Discharge to Natural Watercourses Allowed.

The provisions of this Part 3 do not prohibit the present or future discharge of storm water runoff to combined sewers, or directly to natural watercourses within the Borough. (Ord. 384, 9/10/1962, §4)

§305. Penalties.

Any person, firm or corporation who shall violate any provision of this Part 3 shall, upon conviction thereof, be sentenced to pay a fine of not more than \$600, and/or to imprisonment for a term not to exceed 30 days. Every day that a violation of this Part 3 continues shall constitute a separate offense. (Ord. 384, 9/10/1962; as amended by Ord. 626, 4/13/1987; and by Ord. 640, 4/10/1989, §26)

B. Enforcement Proceedings.

§311. Enforcement Proceedings.

1. All persons presently discharging stormwater into a sanitary sewer system through roof drains will be required to cease and desist this discharge before September 1, 1996.
2. Beginning September 1, 1996, the Borough Manager is hereby directed to cause inspections of connections to the sanitary sewers to be completed. Said inspections shall be conducted first in those portions of the sanitary system where private property damage is occurring. The Borough Manager shall establish a schedule for inspection based on this criteria. The results of the inspections shall be reported to Borough Council on a regular basis, and the Borough Manager is hereby authorized and directed to enforce the provisions of the said Section of the Code of Ordinance, to cause compliance, including the filing of charges with the District Magistrate and penalties as set forth in Chapter 18, Part 3, §305 of the Hollidaysburg Code of Ordinances.
3. The Borough Manager is hereby directed to also prepare recommendations for the disconnection of other sources of discharge into the sanitary sewer system from private and public sources, such as foundation drains and sump pumps, said recommendations to be submitted to Borough Council.
4. The Borough Manager is hereby authorized to provide notice to the greatest extent possible, to property owners and residents in those parts of the system connected to sanitary sewers of this enforcement policy.
5. The Borough Manager shall report to Council from time to time with the results of the removal of roof drains on the hydraulic flows in the system.

(Ord. 384, 9/10/1962, §2; as added by Res. 95-76, 10/19/1995)

Part 4

Industrial Pretreatment

A. Purpose and Policy.

§401. Purpose.

This Part 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:

- A. Requirements regulating the introduction of wastewater into the sewer system by all users.
- B. Establishing an industrial pretreatment program to monitor and control the discharge of industrial wastes.

(Ord. 737, 12/12/1996, §I, Art. 1)

§402. Objectives.

The objectives of this Part are:

- A. 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.
- B. To prevent pass through of pollutants inadequately treated to the environment.
- C. To protect workers and the general public from exposure to toxic or other dangerous substances.
- D. To protect the sewer system from damage.
- E. To improve the opportunity to recycle or reclaim wastewater or sludge.
- F. To provide for the equitable distribution of the cost of the operation, administration and enforcement of the industrial pretreatment program.
- G. 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.

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(Ord. 737, 12/12/1996, §I, Art. 2)

§403. Reservation of Rights.

Notwithstanding any other provision to the contrary, nothing in this Part 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 P.S. §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.

(Ord. 737, 12/12/1996, §I, Art. 3)

B. Definitions.

§411. 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.
 - (b) A manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales

or expenditures exceeding \$25,000,000 (in second quarter 1980 dollars), if 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.
 - (b)
 - (i) Is responsible for the overall operation of the facilities from which the discharge originates.
 - (ii) Has overall responsibility for environmental matters for the company.

BIOCHEMICAL OXYGEN DEMAND (BOD) — the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five days at 20° c. 64° F.) 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.

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.

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 re-

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cord 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. §§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 Part 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 Part.

COMPOSITE SAMPLE — a sample composed of individual subsamples taken at regular intervals over a specified period of time. Subsamples 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-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-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-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 §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 Part, amendments thereto, and any activities authorized or allowed by this Part as regards the regulation and control of industrial users to the extent required by the Federal minimum pretreatment regulations set forth in 40 C.F.R., Part 403.

INDUSTRIAL USER — 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 noncontact 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 Part.

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

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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.
- (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), §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 Toxics 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 §§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.

NPDES PERMIT — a permit issued pursuant to §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 §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.

NONCONTACT 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 Part.

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

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

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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.

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 §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 §§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 subpart C, §121(3) of this Part.

PROHIBITIVE DISCHARGE STANDARD — any regulation developed under §§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 subpart C, §121(3) of this Part.

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 Part, “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 C.F.R. §403.3(t)(2), an industrial user who:

- (1) Has a discharge flow of 25,000 gallons or more of industrial waste (excluding any constituent sanitary sewage or noncontact cooling water) per average work day.
- (2) Discharges industrial waste which makes up 5% or more of the average dry weather organic capacity of the sewage treatment plant.

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- (3) Is regulated by categorical standards.
- (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 subpart C, §124(11) of this Part.

SIGNIFICANT VIOLATOR — any industrial user in significant noncompliance.

SLUG or SLUG LOAD — any prohibited discharge.

SPILL — any discharge of a nonroutine, episodic nature including, but not limited to, an accidental spill or a noncustomary 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 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.

STORMWATER — 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 stormwater 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 provisions of §307(a) of the Act or identified in sludge regulations under §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, this Part 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 Part.

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 stormwater 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 subpart C, §423 of this Part.

(Ord. 737, 12/12/1996, §II)

C. Regulation of Discharges to the Sewer System.

§421. Regulated Discharges.

1. **Discharge of Stormwater.** No person shall discharge or cause or permit to be discharged any surface water, groundwater, roofwater, subsurface drainage, building

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foundation drainage or stormwater from pavements and area ways into any sanitary sewer. Discharges of stormwater into combined sewers is allowed to the extent provided by State and Borough statute, ordinance or regulation.

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.
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 liquid, solid or gas which by reason of its nature or quantity is, 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 5% nor any single reading over 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° F. 60° C. 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 1/2 inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, 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, 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, nonbiodegradable 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.

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- 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.
- 4. Unauthorized Discharges. Except as otherwise provided in subpart F of this Part, any discharge that is prohibited under subsection (3) of §421 shall be considered an unauthorized discharge and the Borough may take whatever steps are necessary to halt such a discharge, as set forth in subpart C, §424, and subpart D of this Part, or as otherwise provided by law.
 - 5. Categorical Standards. If the categorical standards for a particular industrial user are more stringent than local limits or other requirements imposed under this Part, then the categorical standards shall apply. The National Categorical Pretreatment Standards as set forth in 40 CFR, Part 405 et seq. are hereby incorporated into the industrial pretreatment program as program requirements for those industrial users subject to such categorical standards.
 - 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 Part.
 - 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:

Pollutant	Local Limit Monthly Average Mass (lbs./day
Arsenic	0.867
Cadmium	0.074
Chromium	0.686
Copper	7.72
Lead	0.77
Mercury	0.038
Molybdenum	Monitor only
Nickel	Monitor only
Selenium	Monitor only
Silver	0.883
Zinc	13.19
Cyanide	0.726

[Ord. 794]

- 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.
- 9. 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 other unauthorized discharge, it is the responsibility of the industrial user to, immediately upon discovery of the spill, slug load or other unauthorized discharge, telephone and notify the Superintendent of the incident. The notification shall include

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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 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 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 Part 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 Part 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 nine months of the enactment of this Part.
 - (2) No significant industrial user who commences discharge to the sewer system after the effective date of this Part shall be permitted to introduce pollutants into the sewer system until it has completed and submitted for approval an SPCC plan or provide 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.
 - (3) SPCC plans for significant industrial users shall, at a minimum, contain the elements specified in 40 CFR §403.8(f) (2) (v) (A) – (D). SPCC plans shall be submitted to the Borough for review and shall be approved by the Borough before 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.

10. 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 subsection (1)(3)(B) of this Section.
11. 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 discharger, 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 subsection (C) of this subsection, 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.
12. 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, and shall be located as to be readily and easily accessible for cleaning and inspection.
13. 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.

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- (2) An estimation of the mass and concentration in the wastewater of all such constituents discharged in the most recent month.
 - (3) An estimate of the mass and concentration of such constituents expected to be discharged during the following 12 months.
- B. Industrial users that commence discharge of a hazardous waste after the effective date of this Part shall submit the report within 180 days of first discharge of the hazardous waste, except as provided in subsection (D) of this subsection. If the new discharge constitutes a change in the character of the industrial waste, the industrial user shall also comply with the requirements of subpart C, §423(20) of this Part. 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, ninety-day compliance reports or periodic compliance reports do not have to report this information again.
- D. Industrial users that discharge less than 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 subsection 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.

(Ord. 737,, 12/12/1996, §III, Art. 1; as amended by Ord. 794, 10/16/2003, §1)

§422. Fees.

1. Purpose. It is the purpose of this Section to provide for the recovery of costs from industrial users of the sewer system for the implementation of the industrial pre-treatment program established herein. The applicable charges or fees shall be set forth in the Borough's Schedule of Charges and Fees.
2. Fees That May Be Charged. The Borough may adopt and assess charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the industrial pretreatment program.
- B. Fees for monitoring, inspections and surveillance procedures.
- C. Fees for reviewing accidental discharge procedures (SPCC plans) and construction.
- D. Fees for wastewater discharge permit applications.
- E. Fees for filing appeals.
- F. Fees for consistent removal (by the sewage treatment plant) of pollutants otherwise subject to categorical standards.
- 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 Part and are separate from all other fees chargeable by the Borough.

(Ord. 737,, 12/12/1996, §III, Art. 2)

§423. Permits and Reports for Industrial Waste Discharged into the Sewer System.

- 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 Part, 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.
- 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 Part shall apply for and obtain a wastewater discharge permit within 90 days of the effective date of this Part.

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3. Other Industrial Users.
 - A. Except as otherwise required by the Borough on a case-by-case basis, industrial users which are not significant industrial users do not require a wastewater discharge permit, but are required to comply with all other provisions of this Part.
 - 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 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. 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.
4. Signatory Requirements. When an application for a wastewater discharge permit, any required report, an appeal or any other document as required by this Part or pretreatment requirements is submitted to the Borough by an industrial user, such document shall be signed by an authorized representative of the industrial user, as defined in this Part. 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.
 - B. The authorized representative as defined in subsections (1), (2) or (3) of the definition of "authorized representative" must sign any such documents.
5. 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) of 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 analyses shall be performed in accordance with procedures established by the EPA pursuant to §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.
 - 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 thirty-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 (in-

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cluding 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 subsection (L)(1) shall exceed nine 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 nine 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. 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.

6. 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 subsection (21) of this Section.

7. Wastewater Discharge Permit Conditions.

- A. Wastewater discharge permits are hereby expressly subject to all provisions of this Part 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). 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 local limits and/or categorical standards, as applicable.
 - (2) List of prohibited discharges, as presented in subpart C, §421 of this Part.
 - (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 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.

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- (6) 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.
 - (7) Requirements for notification of slug loads and spills as per subpart C, §421(9).
 - (8) Statement of duration of the wastewater discharge permit, as provided in subsection (9) of this Section.
 - (9) Notification of the rules regarding transferability, as stated in subsection (8) of this Section.
 - (10) Notification of penalties provided for noncompliance as contained in subpart C, §424 and subpart D of this Part.
 - (11) Requirements pertaining to modification, suspension and termination of the wastewater discharge permit and notification of appeal rights.
 - (12) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
 - (13) Requirements for installation and maintenance of inspection and sampling facilities.
 - (14) Requirements for installation and maintenance of pretreatment facilities.
 - (15) 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.
 - (16) Compliance schedules.
 - (17) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the sewer system.
 - (18) 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, 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.

8. **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.
9. **Duration and Modification of Wastewater Discharge Permits.**
 - A. Wastewater discharge permits shall be issued for a specified time period, not to exceed five 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 subpart C, §421 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.

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- (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.
- (8) Failure to timely pay fines, fees or applicable sewer charges.

10. Continuation of Expired Permits.

- A. If the industrial user has applied for renewal as provided for in subsection (9) of subpart C, §423, 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.

11. 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 subpart 3, §424(7) of this Part.
- 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 §424(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 subpart C, §424(7), of this Part.

12. 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 subpart C, §423(5) of this Part the industrial user shall, within 180 days after the promulgation of the applicable categorical standard:
 - (1) Apply for a wastewater discharge permit.
 - (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).
 - (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 subsection (L)(5) of this Section.
 - 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 shall be signed and certified by an authorized representative in accordance with 40 CFR §§403.12(1) and 403.6(a)(2)(ii).
13. 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 subsection (L)(5) of this Section. Such a schedule shall not have a compliance date

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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(1) and 403.6(a)(2)(ii), and certified to by a certified professional.

14. Periodic Compliance Reports.

- A. All significant industrial users shall 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 shall contain the information required by 40 CFR §§403.12(e), 403.12(g) and/or 403.12(h), as applicable including, at a minimum, 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 significant industrial user in accordance with 40 CFR §§403.12(1) 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. For Significant industrial users subject to categorical standards, the report shall contain certification of compliance with those standards, signed by a certified professional.

15. 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. 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.

16. Sampling and Analysis.

- A. Each industrial user shall perform waste stream sampling and analyses in accordance with its wastewater discharge permit or as otherwise required by the Borough.
- B. All sampling and analysis performed by the industrial user in compliance with wastewater discharge permit conditions, to prepare the reports required in subsections (12), (13), (14) and (15) of this Section, or as otherwise required by the Borough shall be accomplished using techniques specified in 40 CFR, Part 136, or alternative procedures approved by the Borough and the Administrator. 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 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, the industrial user shall undertake such additional monitoring as directed.

17. 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

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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.
18. Inspections. The Borough and its duly authorized representatives, including contractors, may inspect the facilities of any user to ascertain whether the purpose of this Part 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 subsection for any purpose in the event such entry is not otherwise allowable under Pennsylvania law.
19. Pretreatment Facilities. Industrial users shall provide necessary wastewater pretreatment as required to comply with this Part 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 Part. 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.

20. 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 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.
 - (6) Take such other action as it deems appropriate.

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21. 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 Part, 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.

22. Records.

- A. All industrial users shall keep and maintain records of monitoring activities and results, wastewater discharge permits and reports to the Borough, in accordance with 40 CFR §§403.12(o)(1) and (2), for a minimum of three years. This period shall be automatically extended for the duration of any litigation concerning compliance with this Part, 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.

(Ord. 737, 12/12/1996, Art. 3)

§424. Enforcement.

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 Part, 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 Part. 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 §423, subsection (3), without a wastewater discharge permit is an unauthorized discharge, as provided in §423, subsection (1), of this subpart, and may be subject to the penalties provided herein.

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 10 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:

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- (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 Section, 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 Part.
3. Revocation of Permit.
 - A. Any industrial user who violates the following conditions of this Part, 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 subsection (12), (13), (14) or (15) of §423 of this subpart.

- (2) Failure of the industrial user to report significant changes in operations, or wastewater constituents and characteristics as required in §423(20) of this subpart.
 - (3) Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring.
 - (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. 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

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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.
- 5. Notice of Violation. Whenever the Borough finds that any industrial user has violated or is violating this Part, 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.
- 6. Administrative Orders. The Borough may issue written directions as described in subsection (2)(D) of this Section without a show cause hearing if the Borough determines that such directions are necessary to correct conditions or remedy continuing violations of this Part 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 Part, National Categorical Pretreatment Standards or a duly authorized wastewater discharge permit constitutes a violation of this Part.
- 7. Right of Appeal.
 - A. An industrial user may appeal the enforcement actions enumerated above in subsections (3) and (4) of this Section, 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 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 subsection (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.
 - (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 Part, 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 subsection (C) of this subsection, and, at one (1) 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.

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- (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.
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.
9. Injunctive Relief. If any person:
 - A. Causes or permits an unauthorized discharge to occur.
 - B. Otherwise violates the conditions imposed by this Part or any wastewater discharge permit, schedule or written directions issued by the Borough or any National or State pretreatment requirement.
 - C. 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.

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.
11. Significant Violators. The Borough shall publish annually, in the local daily newspaper of highest circulation in the Borough of Hollidaysburg, a list of industrial users that were found to be in significant noncompliance during the previous calendar year. Significant noncompliance shall be determined using measures of rate, magnitude and type of noncompliance, as delineated below:
 - A. Chronic violations of local limits, prohibitive discharge standards, categorical standards or other numerical limitations on discharges of industrial

waste. A chronic violation occurs if the violation occurs in 66% or more of all measurements taken during a six-month period for the same pollutant(s).

- B. Technical review criteria (TRC) violations of local limits, prohibitive discharge standards, categorical standards or other numerical limitations on discharges of industrial waste. A TRC violation occurs if 33% or more of all of the measurements for each pollutant in a six-month period equal or exceed the product of the daily maximum limit or the average limit 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 violation of local limits, prohibitive discharge standards, categorical standards or other narrative or numerical limitations on discharges of industrial waste which the Borough determines has caused 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 §424, subsections (1), (3) or (4) of this subpart.
 - E. Failure to meet, within 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 30 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 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 non-compliance standard.
12. Responsible Officials. Except as may be otherwise provide herein, the Borough Manager shall administer and enforce the provisions of this Part. The Borough Manager may delegate any or all powers granted by this Part to the pretreatment coordinator or to others as he deems appropriate.

(Ord. 737, 12/12/1996, §III, Art. 4)

D. Penalties.

§431. Penalties.

- A. Any person who violates any provision of this Part 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 Part 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. (Publicly Owned Treatment Works Penalty Law, Act of March 26, 1992, P.L. 23, No. 9), subject to the appeal procedures as specified in Title 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.
 - (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).

(Ord. 737, 12/12/1996, §IV)

E. Remedies Not Exclusive.

§441. Remedies Not Exclusive.

The enumeration of remedies in subparts C and D of this Part 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 Part, 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.

(Ord. 737, 12/12/1996, §V)

F. Special Agreements and/or Waiver of Pretreatment Requirements.

§451. Special Agreements and/or Waiver of Pretreatment Requirements.

Nothing contained in this Part 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).
- 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 Part.
- 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

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the industrial user to pay those costs, and to provide security adequate in the judgement of the Borough to assure payment of said costs.

(Ord. 737, 12/12/1996, §VI)

G. Short Title.

§461. Short Title.

This Part may be cited as the “Borough of Hollidaysburg Industrial Pretreatment Ordinance of 1996.” (Ord. 737, 12/12/1996, Art. 3)