

2.7 Excessive Discharge

No User shall ever increase the use of process water or in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or with any other Pretreatment Standard or Requirement.

2.8 Accidental Discharge/Slug Control Plan

Each User shall provide protection from accidental and slug discharges of prohibited materials or other substances regulated by this Ordinance. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Borough for review, and shall be approved by the Borough before construction of the facility. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following requirements:

- (a) Description of discharge practices, including nonroutine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by Section 2.9; and
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.

All Users shall complete such a plan when requested by the Borough. Review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify its facility, as necessary, to meet the requirements of this Ordinance. It is the responsibility of the User to immediately telephone and notify the POTW of any accidental or slug discharge incident, or any discharge that may cause potential problems for the POTW. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions.

2.9 Written Report

Within five (5) days following an accidental or slug discharge, or any discharge that may cause potential problems for the POTW, the User shall submit to the Borough a detailed written report describing the cause of the discharge and the measures to be taken by the User to mitigate and prevent any expense, loss, damage or other liability which may be incurred as a result of damage to the POTW, aquatic life or any other damages to person or property. Such report shall not relieve the User of any fines, civil penalties or other liability which may be imposed by this Ordinance or other applicable law. This written report shall be signed by an authorized representative of the User.

2.10 Notice to Employees

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

SECTION 3 - FEES

3.1 Purpose

It is the purpose of this section to provide for the recovery of costs from Users of the Borough's POTW for the implementation of the program established herein. The applicable charges or fees shall be set forth in the Borough's Schedule of Charges and Fees.

3.2 Charges and Fees

The Borough may adopt charges and fees which may include:

- (a) Fees for reimbursement of costs of setting up and operating the Borough's Pretreatment Program , including but not limited to, legal and engineering costs;
- (b) Fees for sampling, monitoring, inspections and surveillance procedures;
- (c) Fees for reviewing accidental discharge procedures and construction;
- (d) Fees for permit applications;
- (e) Fees for filing appeals;
- (f) Fees for consistent removal by the Borough's POTW of pollutants over and above the limitations specified herein and/or pollutants otherwise subject to Federal Categorical Pretreatment Standards; and
- (g) Other fees the Borough may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Borough.

SECTION 4 - ADMINISTRATION

4.1 Wastewater Survey

When requested by the Borough, a User shall submit information on the nature and characteristics of its wastewater by completing a Wastewater

Survey Questionnaire within thirty (30) days of the request. The Borough is authorized to prepare a form for this purpose and may periodically require Users of the Borough Sewer System to update the survey. Failure to complete the Wastewater Survey Questionnaire shall be reasonable grounds for terminating service to the User and shall be considered a violation of this Ordinance.

4.2 Wastewater Discharge Permit

4.2.1 General

All significant Industrial Users proposing to connect or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall apply for a Wastewater Discharge Permit within thirty (30) days after the effective date of this Ordinance. The Borough may require other Users to obtain Wastewater Discharge Permits, as necessary, to carry out the purposes of this Ordinance.

4.2.2 Permit Application

Users required to obtain a Wastewater Discharge Permit shall complete and file with the Borough, an application in the form prescribed by the Borough. In support of the application, the User shall submit, in units and terms appropriate for evaluation, information including, but not limited to, the following:

- (a) Name, address, and location;
- (b) SIC number, according to the Standard Industrial Classification Manual, Office of Management and Budget 1987, as amended;
- (c) Description of activities, facilities and plant processes on the premises, including all materials used or stored at the facility which are or could be discharged to the POTW;

- (d) Water usage and disposal;
- (e) Time and duration of contribution;
- (f) Average daily and 30-minutes peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
- (g) Each product produced by type, amount, process or processes, and rate of production;
- (h) Type and amount of raw materials processed;
- (i) Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system;
- (j) Wastewater constituents and characteristics as determined by a reliable analytical laboratory; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act, and contained in 40 CFR §136, as amended;
- (k) Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation;
- (l) Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis, and if not, whether additional Operation and Maintenance **{O&M}** and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards. This statement shall be signed and certified in accordance with Section 4.2.2(o) of this Ordinance;
- (m) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall

not be later than the compliance date established for the applicable Pretreatment Standard. The following conditions shall apply to this schedule:

- (i) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (i.e., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- (ii) No increment referred to in paragraph (m) (i) of this Section shall exceed nine (9) months.
- (iii) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the 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 User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Borough.
- (n) Any other information as may be deemed by the Borough to be necessary to evaluate the permit application.
- (o) The permit application shall be signed by an authorized representative of the User and certified to by a qualified professional. The application shall contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

The Borough will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Borough will determine whether or not to issue a Wastewater Discharge Permit subject to the terms and conditions provided herein. The Borough may deny any application for a Wastewater Discharge Permit.

4.2.3 Permit Modifications

Within ninety (90) days of promulgation of a Federal Categorical Pretreatment Standard, the Wastewater Discharge Permit subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a Significant Industrial User, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required in Section 4.2.2 of this Ordinance, the Significant Industrial User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the Significant Industrial User

with an existing Wastewater Discharge Permit shall submit to the Borough within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required by Sections 4.2.2(1) and (m) .

4.2.4 Permit Conditions

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

- (l) The unit charge or schedule of User charges and fees for the wastewater to be discharged to the Sewer System;
- (m) Limits on the average and maximum wastewater constituents and characteristics;
- (n) Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
- (o) Requirements for installation and maintenance of inspection and sampling facilities;
- (p) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules;
- (q) Statement of applicable administrative, civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedules. Such schedules may not extend the compliance date beyond that required by applicable Federal, State or local deadlines;
- (r) Requirements for submission of technical reports or discharge reports;
- (s) Requirements for prior 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 introduced into the wastewater treatment system;

- (t) Requirements for notification of slug discharges;
- (u) Requirements for development of an Accidental Discharge/Slug Control Plan, as necessary;
- (v) Wastewater Discharge Permits shall be issued for a specified time period , not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period of less than one (1) years, at the discretion of the Borough. Each Wastewater Discharge Permit shall include a specific date upon which it will expire.
- (1) Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred or sold to a new owner, new User, different premises, or a new or changed operation without the written approval of the Borough.
 - (i) The Permittee must give at least thirty (30) days advance notice to the Borough. Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit voidable as of the date of the facility transfer.
 - (ii) The notice shall include a written notarized certification by the new owner which:
 - (1) States that the new owner has no immediate intent to change the facility' s operations or processes;
 - (2) Identifies the specific date on which the transfer is to occur; and
 - (3) Acknowledges full responsibility for complying with the existing permit.

- {m) Other conditions as deemed necessary by the Borough to ensure compliance with this Ordinance.

4.2.5 Public Notification

The Borough shall publish in *The Huntingdon Daily News* a notice of intent to issue a Wastewater Discharge Permit at least four teen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed, and an address where written comments may be submitted.

4.2.6 Permit Appeals

The Borough will provide interested parties with notice of final Wastewater Discharge Permit decisions. Upon notice by the Borough, any person, including the Permittee, may petition to appeal the terms of the Wastewater Discharge Permit in writing within thirty (30) days of the notice.

- {a) Failure to submit a petition for review shall be deemed a waiver of the appeal.
- {b) In the petition, the Permittee must indicate the permit provisions objected to, the reasons for the objection, and the alternative condition, if any, it seeks to be placed in the permit.
- {c) The effectiveness of the permit shall not be stayed pending reconsideration by the Borough. If, after reviewing the petition and any arguments, the Borough determines that reconsideration is appropriate, the Borough shall remand the permit for reissuance.
- {d) A Borough decision not to reconsider a final permit shall be considered a final administrative action for purposes of judicial review.
- {e) The Permittee seeking judicial review of the Borough's final action must do so by filing a complaint with the

Court of Common Pleas for Huntingdon County within thirty (30) days.

4.2.7 Permit Action

The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Borough during the term of the permit. These reasons include, but are not limited to, the following:

- (w) To incorporate any new or revised, Federal, State or local Pretreatment Standards or Requirements;
- (x) To address any changes in the Permittee's operation, process or discharge characteristics;
- (y) Information indicating that the permitted discharge poses a threat to the Borough's collection and treatment facilities, personnel or receiving waters;
- (z) Violation of any terms or conditions of the Wastewater Discharge Permit;
- (aa) Misrepresentation or failure, upon the Permittee's part, to disclose fully all relevant facts in the permit application or any required reporting;
- (bb) To correct typographical or other errors in the Wastewater Discharge Permit;
- (cc) To reflect transfer of facility ownership and/or operation to a new owner/operator; or
- (dd) Upon request by the Permittee, provided such request does not create a violation of any applicable requirements, standards, laws, rules and regulations.

The Permittee shall be informed of any proposed changes in his Wastewater Discharge Permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the Borough. The filing of a request by the Permittee for a permit

modification, revocation or reissuance, termination, or a notification of planned changes or anticipated noncompliance, does not stay any permit condition.

4.2.8 Permit Termination

Wastewater Discharge Permits may be terminated for good cause, including but not limited to, the following reasons:

- (a) Failure to notify the Borough of significant changes to the wastewater characteristics or constituents prior to a changed discharge;
- (b) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit Application;
- (c) Falsifying monitoring reports;
- (d) Tampering with monitoring equipment;
- (e) Refusing to allow timely access to the facility premises and records;
- (f) Failure to meet effluent limitations;
- (g) Failure to pay fines;
- (h) Failure to pay sewer charges;
- (i) Failure to meet compliance schedules;
- (j) Failure to complete a Wastewater Survey Questionnaire or a Wastewater Discharge Permit Application;
- (k) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (l) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Ordinance.

4.2.9 Permit Reissuance

The Permittee shall apply for permit reissuance a minimum of 180 days prior to the expiration of the Permittee's existing Wastewater Discharge

Permit. If the Wastewater Discharge Permit is not reissued by the Borough prior to its expiration date, the conditions of the existing permit shall continue until such time that a new permit is issued by the Borough, though not to exceed 180 days.

4.3 Reporting Requirements

4.3.1 Baseline Monitoring Report (BMR)

Within either 180 days after the effective date of a Federal Categorical Pretreatment Standard, or the final administrative decision of a category determination under 40 CFR §403.6(a)(4), whichever is later, existing Categorical Industrial Users currently discharging to or scheduled to discharge to the POTW, shall submit a BMR to the Borough. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical IUs subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit a BMR. A new source shall also report the method of pretreatment it intends to use to meet applicable Categorical Standards, and provide estimates of its anticipated flows and quantity of pollutants discharged. Categorical IUs shall submit the following information for a **BMR**:

- (ee) The name and address of the facility, including the name of the operator and owner;
- (ff) A list of any environmental control permits held by or for the facility;
- (gg) A brief description of the nature, average rate of production and standard industrial classifications (SIC) of the operation(s) carried out by such User. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes ;

- {d) Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process wastestreams and other wastestreams, as necessary, to allow use of the combined wastestream formula as established in 40 CFR §403 .6{e).
- {e) The Categorical Standards applicable to each regulated process and the results of sampling and analysis of the regulated pollutants for each regulated wastestream. Instantaneous, daily maximum and long- term average concentrations shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures established in 40 CFR §136. Sampling shall be performed in accordance with techniques approved by EPA;
- (f) A certification statement indicating whether Pretreatment Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance **(O&M)** and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements;
- (g) If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or **O&M**. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule shall meet the requirements set forth in Section 4.2.2(m) of this Ordinance; and
- (h) All BMRs shall be signed and certified in accordance with Section 4.2.2(o) of this Ordinance.