Chapter 18

Sewers

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§18-491. Interference with City Property

Part 1

Sewer Connections and Use

A. Connections

§18-101. Definitions.

Authority - the Shillington Municipal Authority as presently or hereafter constituted, which has been created by Borough Council and to which has been referred by said Borough Council the specific project of sewers.

Borough - the Borough of Shillington, Berks County, Pennsylvania, or the duly constituted and elected municipal authorities thereof.

Industrial waste - the liquid, gaseous or solid waste from industrial processes as distinct from domestic sewage.

Lateral - that part of the sewer system extending from a public main or street sewer to curb line or property line if there is no curb, and where the main or street sewer line is laid under a sidewalk, the word "lateral" shall mean and refer to the "Y" connection from the main or street sewer line.

Occupied building - each household unit, apartment unit, single dwelling unit, family unit, business unit and industrial unit, and refers to any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sewage and industrial waste, or either thereof, is or may be discharged.

Person - includes individuals or natural persons, artificial persons existing only in contemplation of law, and shall be construed to include associations, partnerships, limited partnerships, joint stock companies and corporations.

Property accessible to the sewer system - real estate which adjoins, abuts on, or is adjacent to the sewer system.

Sewage - the normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

Sewer system - the sanitary sewer collection system and appurtenant facilities about to be constructed in and for the Borough of Shillington, and the interceptor sewers of the Authority and any improvements, additions or extensions that hereafter may be made thereto by the Authority or the Borough, or to any part or parts of any or all thereof.

(*Ord. 295*, 6/10/1954, §1; as amended by *Ord. 328*, 7/26/1956, §1)

§18-102. Notification of Completion of Sewer System.

Whenever the sewer system is completed and ready for public use it shall be the duty of the Borough to cause notice of the fact to be given by advertisement published once in one newspaper of general circulation in the Borough, and such advertisement shall state that said sewer may be used by all property owners in the Borough subject to the payment of any connection charges and of annual sewer rentals in amounts as may from time to time be fixed by the Borough.

(*Ord. 295*, 6/10/1954, §2)

§18-103. Certain Properties to be Connected to Sewer.

1. All persons owning any occupied building now erected upon property accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 60 days after the date of publication specified in §18-102.

2. All persons owning any property accessible to the sewer system upon which a building is hereafter erected shall, at the time of the erection of such building and at their own expense, connect the same with the sewer system.

3. All persons owning any occupied building upon property which hereafter becomes accessible to the sewer system shall, at their own expense, connect such building with the sewer system within 60 days after notice to do so from the Borough.

(*Ord. 295*, 6/10/1954, §3)

§18-104. Use of Certain Receptacles Unlawful.

It shall be unlawful for any person owning any property accessible to the sewer system to erect, construct or 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 sewage, after the expiration of the particular period specified in §18-103 hereof, or otherwise at any time to erect, construct, use or maintain any pipe, conduit, drain or other facility for the discharge of sewage except into the sewer system.

(*Ord. 295*, 6/10/1954, §4)

§18-105. Unlawful Receptacle Constitutes Nuisance.

Any person who erects, constructs, uses or maintains a privy, cesspool, sinkhole, or septic tank on any property accessible to the sewer 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 the manner provided by law.

(*Ord. 295*, 6/10/1954, §5)

§18-106. Connections to Comply with Borough Requirements.

No connection shall be made to the sewer system except in compliance with the ordinances and resolutions as well as such rules and regulations as may, from time to time, be enacted, adopted, approved or promulgated by the Borough.

(*Ord. 295*, 6/10/1954, §6)

§18-107. Notice to Make Connection.

After the expiration of the particular periods specified in §18-103 of this Part, if any owner of an occupied building on property accessible to the sewer system shall have failed to connect such property with the sewer system as required by said §18-103, the Borough shall cause to be served on the owner of such property so failing to connect to said sewer system, and also upon the occupants of the building in question, a copy of this Part and a written or printed notice requiring such connection to be made, and such notice shall further state that its requirements shall be complied with within 60

days from the date thereof.

(*Ord. 295*, 6/10/1954, §7)

§18-108. Permit Required to Connect with Sanitary Sewer System.

It shall hereafter be unlawful for any person, firm or corporation to connect any premises or buildings to the sanitary sewage system of the Borough of Shillington without first securing a permit to do the same from the proper Borough officials at a cost, to be established by resolution of Borough Council, for each connection.

(*Ord. 295*, 6/10/1954; as added by *Ord. 301*, 10/14/1954, §2; and as amended by *Ord. 1025*, 10/14/2004)

§18-109. Issuance of Sewer Connection Permits.

Said permits and licenses covered by this Part shall be issued by persons designated from time to time by the Borough Council.

(*Ord. 295*, 6/10/1954; as added by *Ord. 301*, 10/14/1954, §4)

§18-110. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding $1,000 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Provided: whenever any person, firm or corporation shall have been officially notified by the proper Borough officials or by a summons in a prosecution or in any other official manner that he or it is committing a violation, each 5 days continuance of such violation after such notification shall constitute a separate offense punishable by a like fine or penalty.

(*Ord. 295*, 6/10/1954, §8; as amended by *Ord. 301*, 10/14/1954, §5; by *Ord. 328*, 7/26/1956, §1; by *Ord. 365*, 2/26/1959, §1; by *Ord. 517*, 7/17/1970, §1; by *Ord. 519*, 7/17/1970, §1; by *Ord. 684*, 7/10/1980, §1; by *Ord. 715*, 12/9/1982, §1; by *Ord. 758*, 3/14/1958, §1; by *Ord. 893,* 12/8/1994, §1; and by *Ord. 1025*, 10/14/2004)

B. Sewer Lateral Vent Inserts

§18-111. Installation.

In order to prevent the inflow of stormwater into the sanitary sewer system, the Borough of Shillington ("Borough") is requiring that sewer lateral vent inserts ("insert") be installed in all sewer laterals within the Borough.

(*Ord. 1055*, 8/10/2006, §1)

§18-112. Removal.

Only the Borough, or its representative, is permitted to remove an insert. Property owners, their tenants and/or their plumbers or other contractors are hereby prohibited from removing the insert.

(*Ord. 1055*, 8/10/2006, §2)

§18-113. Removal of Insert Due to Verified Problems.

1. Should a property owner experience a problem deemed to be caused by the insert, the property owner shall notify the Borough of the specific nature of the problem. The Borough will investigate the reported problem. If the problem is verified and found to be caused by the insert, the Borough will remove the insert.

2. In the event that an insert is removed due to a verified problem, the property owner shall at their own expense:

A. Raise the sewer vent pipes to the following heights:

(1) In lawn areas, the pipes shall be 6 inches above grade.

(2) In the planting strip between the curb and sidewalk, the pipes shall be elevated to 1 inch above the grade of the adjacent sidewalk.

B. Any low spots within the planting strip must be filled.

(*Ord. 1055*, 8/10/2006, §3)

§18-114. Violations.

Any person violating any of the provisions of this Part 1B shall be liable to pay a fine of not more than $1,000 and costs, for each and every violation and for each and every day, to be recovered in the name of the Borough of Shillington before the district justice according to law, and in default of payment thereof shall undergo imprisonment for a period of not more than 30 days.

(*Ord. 1055*, 8/10/2006, §4)

Part 2

Sewer Rentals[1]

§18-201. Definitions.

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

Ammonia-Nitrogen - a form of nitrogen commonly found in wastewater, a compound resulting from the hydrolysis of urea or urine, expressed as NH_3-N.

Authority - the Joint Municipal Authority of Wyomissing Valley or any other governmental entity, including a borough, city, municipal authority, township, or other political subdivision, to which sewage originating in the Borough or flowing through the Borough is discharged.

BOD (Biochemical Oxygen Demand) - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° Centigrade expressed in milligrams per liter.

Borough - the Borough of Shillington, its employees, and its representatives.

Council - the group of elected officials acting as the governing body of the Borough of Shillington, it employees, and its representatives.

Dissolved solids - the anhydrous residues of the dissolved constituents in water or wastewater, expressed as D.S.

Domestic sewage - shall mean the normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments.

Industrial wastes - the liquid or gaseous substances, whether or not solids are contained therein, discharged into the sewer system which does not constitute domestic sewage.

mg/L - milligrams per liter.

Person - any individual, firm, company, association, society, corporation or group.

Property owner - a person owning property and served by the Borough's sewer system.

Sanitary sewer - any pipe or conduit constituting a part of the sewer system, or usable for sewage collection purposes, which carries sanitary sewage and to which storm, surface and ground waters are not admitted.

Sewage - the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

Sewage treatment plant - an arrangement of processes, devices, and structures used for treating and disposing of sanitary sewage and certain industrial wastes.

Sewer system - all facilities, as of any particular time, for collecting, pumping,

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[1]Editor's Note: See also, Part 4, "Sewer Use."

treating, transporting, or disposing of sanitary sewage and/or industrial wastes.

Suspended solids - the matter in wastewater that will not stay in suspension during a preselected settling period, such as 1 hour, but either settles to the bottom or floats to the top, expressed as S.S.

Total solids - solids that either float on the surface or are in suspension of dissolved in water, sewage, or other liquids, and which are determined by laboratory analysis.

(*Ord. 920*, 2/15/1997, §1)

§18-202. Applicability.

This Part and any rules or regulations promulgated under it shall be applicable to all persons using the Borough's sewer system.

(*Ord. 920*, 2/15/1997, §2)

§18-203. Mandatory Connection.

1. *Connection to Sewer System*. All persons owning houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Borough and abutting on any street, ally, or right-of-way in which there is now located or may in the future be located a Borough sanitary sewer, shall at his/her expense install suitable toilet facilities and shall connect these facilities directly to the Borough's sewer system.

A. Those properties upon which a principal building exists and which are not in compliance with this Part at its effective date will pay a fine established by resolution of Borough Council as penalty for noncompliance with this Section.

B. Provided, however, that all said properties will be required for be brought into compliance upon the transfer of title of the property or the necessity to perform maintenance of any kind on the existing onlot septic system. Failure to comply will result in penalties as described in §18-214.

2. *Prohibition Against Noncentral Sewage Disposal*. It shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sanitary sewage within the Borough unless mandatory connection is not possible.

3. *Abandonment of Existing Onlot Systems.* All privies, privy vaults, cesspools, septic tanks, and drains shall be abandoned upon connection of the properties to the sewer system and left in a manner that they cannot again be used or injuriously affect the public health.

4. *Inspection of Abandoned Systems.* Privies, privy vaults, cesspools, septic tanks, drains, and polluted wells abandoned and closed shall be subject to inspection by Borough or its authorized representatives and by the appropriate public health authority having jurisdiction. The person upon which any abandoned and closed facility is located shall take remedial action as may be prescribed by the Borough to assure that the closed and abandoned facility will not constitute a hazard to the public health or safety.

(*Ord. 920*, 2/15/1997, §3)

§18-204. Charges for Domestic and Industrial Sewage.

The charge for collection, transporting, and treatment of domestic and industrial sewage discharged into the sewer system shall be computed at rates set from time to time by resolution adopted by the Council.

A. *Determination of Charges for Industrial Wastes.*

(1) There shall be additional charges for industrial wastes having total suspended solids, total dissolved solids, BOD and ammonia-nitrogen in excess of the average total suspended solids, total dissolved solids, BOD and ammonia-nitrogen of normal domestic sewage. Normal domestic sewage shall be considered as having the following concentrations:

(a) Total suspended solids - 300 mg/L.

(b) Total dissolved solids - 500 mg/L.

(c) BOD - 200mg/L.

(d) NH_3-N - 25 mg/L.

(2) To determine the additional charges for concentration of industrial wastes above that of normal domestic sewage, the following formula shall be used:

SQ = .00834 QI[(BOD - 200) $_____ + (S.S. - 300) $_____ + (D.S. - 500) $_____ + ($NH_3$-N - 25) $_____] .

SQ = Surcharge Quarterly
QI = Quarterly Industrial Flow in Million Gallons

(3) The dollar value of the additional charge shall be determined by resolution of Borough Council.

B. *Time and Method of Payment*. All sewer charges shall be due and payable at the same time that water charges are payable. Sewer charges shall be included with water bills and shall be collected at the same time and in the same manner as the charges for water.

C. *Right to Terminate Water/Sewer Service.* If any person served by the Borough shall neglect or fail to pay, for a period of 30 calendar days from the due date of any bill, any charge for sewer, sewage treatment service imposed by the Borough, the Borough shall have the right to shut off the water supply to this person (in accordance with the rules and regulations of the Shillington Municipal Authority) until all overdue charges, together with any penalties and costs for shutting off and restoring the service are paid.

D. *Property Liens.* Sewer charges imposed by this Part shall be a lien on the property connected to and served by the sewer system. Any sewer charges that are delinquent shall be filed as a lien against the property connected to and served by the sewer system. This lien shall be filed in the office of the Prothonotary of Berks County, Pennsylvania, and/or shall be collected in the manner provided by law for the filing and collecting of municipal claims.

(*Ord. 920*, 2/15/1997, §4)

§18-205. Measuring Volumes of Domestic Sewage.

1. *Methods of Measuring Volume.*

A. Whenever a person purchasing all water used from the Borough discharges domestic sewage to the sewer system, the volume of water purchased shall be used in computing the sewer charge.

B. In cases where dwellings and establishments have sources of water supply in addition to or other than Borough water, those dwellings and establishments will be required to provide a meter at their cost and expense on the source of supply. The amount of water consumed as shown by the meter readings will be used in computing the sewer charge.

2. *Measuring Devices*. All meters or other measuring devices required to be used under this Part by the Borough shall be purchased and installed by the person using this service at the person's sole cost and expense. These meters or other measuring devices shall be under the Borough's control, and may be tested, inspected, or repaired by the Borough whenever the Borough deems necessary. The person for the meter or measuring device is installed shall be responsible for maintenance and safekeeping. All repairs shall be made at this person's cost and expense, whether these repairs are made necessary by ordinary wear and tear or other causes. Bills for repairs, if made by the Borough, shall be due and payable by persons responsible for their payment. These bills, from and after their date due, shall constitute a lien upon the property where the meter or measuring device was installed.

3. *Meter Reading*. The Borough shall be responsible for the reading of all meters and measuring devices.

(*Ord. 920*, 2/15/1997, §5)

§18-206. Building Sewers and Connection Methods.

1. No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any sanitary sewer or appurtenance without first obtaining approval from the Borough.

2. Old building sanitary sewers may be used in connection with new buildings only when they are found, on examination and test by the Borough, to meet all the requirements of this Part and the Borough's regulations.

3. The size, slope, alignment, materials of construction of a building sewer, and the methods to be used in excavating, placing of pipe, jointing, testing and backfilling the trench, shall all conform to the requirements of the Borough's Plumbing Code [Chapter 5, Part 2] and/or other applicable rules, regulations, and specifications of the Borough.

4. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the sanitary sere, sanitary sewage carried by the building drain shall be lifted by an approved means and discharged to the building sewer.

5. All excavations for building sewer installation shall be adequately guarded with barricades and lights to protect the public from hazards. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Borough.

(*Ord. 920*, 2/15/1997, §6)

§18-207. Use of Sanitary Sewers.

1. No person shall place, deposit, or permit to be deposited upon public or private property within the Borough any human or animal excrement or other objectionable waste.

2. No person shall discharge to any natural outlet within the Borough any sanitary sewage, industrial waste, or other polluted wastes except where suitable treatment has been provided to the satisfaction of the Borough and the Authority.

3. No person shall discharge or causes to be discharged any stormwater, surface water, ground water, roof runoff, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

4. No person shall discharge or cause to be discharged any of the following described waters or wastes to the sewer system:

A. Any liquid or vapor having a temperature higher than 150° F.

B. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.

C. Any garbage that has not been properly shredded.

D. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure, or any other solid or viscous substance compatible of causing obstruction to the flow in the sewer system or other interference with the proper operation of the sewage treatment plant.

E. Any waters or wastes having a pH lower than 4.5 or higher than 9.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment, or personnel of the sewage treatment plant.

F. Any waters or wastes containing total solids of a character and quantity that unusual attention or expense is required to handle these materials at the sewage treatment plant except as may be approved by the Borough and the Authority.

G. Any waters or waste containing a toxic or poisonous substance containing in sufficient quantity to injure or interfere with any sewage treatment process or pass through the sewage treatment plant in the effluent constituting a hazard to humans or animals or create any hazard in the Wyomissing Creek and Schuylkill River in concentrations that exceed the following local limits:

Toxic/Poisonous Substance	Concentration in mg/L
Aluminum	2.0
Arsenic	0.75
Beryllium	0.005
Cadmium	0.650
Chromium	1.0
Copper	1.0

Toxic/Poisonous Substance	Concentration in mg/L
Cyanide	0.75
Iron	5.0
Lead	0.50
Mercury	0.02
Molybdenum	0.20
Nickel	2.0
Oil and grease (animal origin)	100.0
Oil and grease (petroleum origin)	25.0
Phenol	1.0
Selenium	0.140
Silver	0.30
Tin	1.0
Zinc	1.00

H. Any waters or waste containing color from any source that contains more than 250 units of color as determined by the Platinum-Cobalt method of determining color in *Standard Methods for the Examination of Water and Wastewater*.

(*Ord. 920*, 2/15/1997, §7)

§18-208. Admission of Industrial Wastes into the Sewer System.

1. *Treatment of Industrial Wastes.* The Borough may accept those types and quantities of industrial waste that it determines are not harmful or damaging to the structures, processes, or operation of the sewer system and/or sewage treatment plant. Additional charges may be required that must be paid by those persons using and receiving these services.

2. *Approval Required for Industrial Wastes.* To control the admission of industrial wastes, joint approval of the Borough and the Authority in the form of an industrial waste permit shall be required prior to the discharge into the sewer system of water or wastes by any person having any or all of the following:

A. A 5-day, 20°C. BOD greater than 200 mg/L.

B. A suspended solids content greater than 300 mg/L.

C. A dissolved solids content greater than 500 mg/L.

D. Ammonia nitrogen content greater than 25 mg/L.

E. An average daily flow greater than 10% of the sewage treatment plant's capacity.

3. *Pretreatment.*

A. *Requirements*. When required, in the opinion of the Borough and the Authority, any person seeking to discharge a waste to the sewer system deemed

unacceptable by the Borough and/or the Authority shall provide at its own cost and expense any preliminary treatment or handling as may be necessary to:

(1) Reduce BOD to 200 mg/L, suspended solids to 300 mg/L, dissolved solids to 500 mg/L, and ammonia nitrogen to 25 mg/L.

(2) Modify the objectionable characteristics or constituents to come within the maximum limits provided for in this Part, any rules and regulations, or as required by the Borough or the Authority.

(3) Control the quantities and rates of discharge of these waters or wastes over a 24-hour day and a 7-day week.

B. *Plans, Specifications, Etc*. Plans, specifications, and any other pertinent information relating to the proposed pretreatment or handling facilities shall be submitted by the person requesting this service for the approval by the Borough and the Authority. No construction of these facilities shall be commenced or discharge of these waters or wastes shall be permitted until written approval is obtained and received from the Borough and the Authority in the form of an industrial waste permit.

(*Ord. 920*, 2/15/1997, §8)

§18-209. Measuring Volume of Industrial Wastes.

1. *Methods of Measuring Volume.*

A. Whenever a person purchasing all water used from the Borough discharges only industrial waste to the sewer system, the volume of water purchased shall be used as a measure of the quantity of industrial waste discharged.

B. Whenever a person purchasing all water used from the Borough discharges combined domestic sewage and industrial waste to the sewer system, the volume of water purchased chargeable as industrial waste shall be the total volume of water purchased less the volume of water determined to be domestic sewage. The volume of water determined to be domestic sewage shall be determined in either of the following ways:

(1) Actual measured flows.

(2) By multiplying the average number of employees in the establishment during the preceding billing period by 300 cubic feet.

C. To measure the volume of water not discharged into the sewer system, a person may install a water meter at its cost and expense. The water passing through the meter shall be only the water that is not discharged into the sewer system. No sewer charge shall be imposed upon the water passing through this meter and not discharged into the sewer system.

D. Whenever a person using a private water supply discharges industrial wastes to the sewer system the charges for the discharge shall be in accordance with §18-204 of this Part. This person, however, shall install at its cost and expense either a water meter or meters, as may be required by the Borough and/or Authority, to measure the total volume of water used in the industrial plant; or shall install, at its cost and expense, a meter on the sewer line leaving th plant to measure the entire flow of waste discharged to the sewer system. No meter for measurement either of the water or sewage shall be installed until a plan for the

installation is submitted to the Borough and the Authority, and approved. All meters or other measuring devices installed or required to be used under this part shall be under the control or the Borough, and may be tested, inspected, or repaired by the Borough whenever it deems necessary. The person for which the meter or measuring device is installed shall be responsible for maintenance and safekeeping. All repairs shall be made at the person's sole cost and expense, whether the repairs are made necessary by ordinary wear and tear or other causes. Bills for these repairs, if made by the Borough shall be due and payable from the person responsible for payment. These bills from and after their due date shall constitute a lien upon the property upon which the meter or measuring device was installed.

E. The Borough shall be responsible for the reading of water and/or sewage meters where installed in industrial establishments. Where, in the opinion of the Borough, it is not necessary to install a meter, measurements of the discharge to the sewer system shall be made at appropriate times determined by it. The measurements so made shall be used for determining the sewer charge. Any person dissatisfied with the sewer charge may, at its own cost and expense, install a meter or other measuring device as provided by this Section.

(*Ord. 920*, 2/15/1997, §9)

§18-210. Measurement of Concentration of Industrial Waste.

1. *Sampling and Inspection.* Industrial wastes being discharged into the sewer system shall be subject to sampling and inspection to be used as basis for determining additional charges due to excessive concentrations of BOD, suspended solids, dissolved solids, ammonia nitrogen, and/or other substances. Sampling and inspection shall be made by the Borough and/or the Authority as frequently as may be deemed necessary. The analysis of the sample so obtained shall be the basis for computing additional charges in accordance with §18-204 of this Part. The cost of this sampling and testing shall be paid by the person discharging the sanitary sewage. The results of the testing of samples and the findings of inspections made by this person shall be made available to the Borough and the Authority.

2. *Sampling and Inspection Cost.* When required by the Borough and the Authority, the person discharging industrial waste to the sewer system shall at its cost and expense install a suitable control manhole in the building sewer to facilitate observation, sampling, and measurement of the waste. This manhole shall be accessible and safely located. It shall be constructed in accordance with plans approved by the Borough and the Authority. The manhole shall be maintained by the person discharging industrial waste at its cost and expense and shall be accessible at all times to the Borough and/or the Authority.

3. *Access to Properties.* The Borough and/or the Authority shall at all reasonable time be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling, and testing.

4. *Change of Waste Discharged.* Any person connected to the sewer system and discharging or proposing to discharge industrial wastes who changes methods of operation to alter the type of sanitary sewage previously discharged, shall notify the Borough and the Authority in writing 30 calendar days prior to the change so that the Borough and the Authority may analyze the sewage immediately prior to the change

taking place to determine whether or not the new sewage discharge complies with this Part.

(*Ord. 920*, 2/15/1997, §10)

§18-211. Rules and Regulations.

Council may from time to time promulgate or adopt by resolution any rules and regulations it deems appropriate to apply the provisions of this Part.

(*Ord. 920*, 2/15/1997, §11)

§18-212. Failure to Comply.

Should any person fail to refuse upon receipt of written notice from the Borough and/or the Authority to remedy any unsatisfactory condition immediately or within 30 calendar days, then the Borough or the Authority may refuse to permit this person to discharge its sewage into the sewer system until the order of the Borough and/or the Authority shall have been fully implemented.

(*Ord. 920*, 2/15/1997, §12)

§18-213. Enforcement.

Either the Borough or the Authority on its own behalf or jointly may enforce this Part's provisions or any rules and regulations promulgated under it.

(*Ord. 920*, 2/15/1997, §13)

§18-214. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof, shall be sentenced to pay a fine of not more than $1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 920*, 2/15/1997, §14; as amended by *Ord. 1025*, 10/14/2004)

Part 3

Obstruction of Sewers and Drains

§18-301. Drain and Pipe Obstructions to be Removed.

Whenever drains, pipes, or conduits leading from any public or private real property situate in the Borough of Shillington shall be obstructed, or their free operation interfered with by the roots of trees, brush, shrubbery, or other obstruction in the course thereof, it shall be the duty of the owner of the property upon which said trees, brush, shrubbery, or other obstruction thereof are located, to remove such trees, brush, shrubbery, roots or other obstruction within 10 days after notice thereof by certified mail or personal service.

(*Ord. 400*, 6/8/1961, §1; as amended by *Ord. 570,* 8/12/1971, §1)

§18-302. Sewer Obstruction Removal Required.

Whenever a sanitary sewer lateral or house sewer leading from house or building to the public sewer in the street shall become obstructed to the extent that, because of such blockage, sewage overflows upon public or private real property, it shall be the duty of the owner of such house sewer to have same opened and properly functioning thus eliminating all sewage overflow within 48 hours after notice thereof by certified mail or personal service.

(*Ord. 400*, 6/8/1961, §la; as added by *Ord. 570*, 8/12/1971, §la)

§18-303. Obstructions Removed at Expense of Property Owner.

In default of compliance therewith within the respective period, as the case may be, by the owner so notified, the Borough Manager shall direct the work of the removal to be done by the Borough and the cost or expense thereof shall be received or collected in the manner provided by law for the collection of municipal claims or by an action in assumpsit.

(*Ord. 400*, 6/8/1961, §2; as amended by *Ord. 570*, 8/12/1971, §2)

§18-304. Penalties.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine not exceeding $1,000 and costs and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation of this Part continues shall constitute a separate offense.

(*Ord. 570*, 8/12/1971; as added by *Ord. 591*, 11/9/1972, §1; as amended by *Ord. 1025*, 10/14/2004)

Part 4

Sewer Use[2]

A. General Provisions

§18-401. Purpose and Policy.

1. This Part sets forth uniform requirements for users of the publicly owned treatment works for the City of Reading, Pennsylvania, which are located within the Borough of Shillington, and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act, 33 USC §1251 *et seq*., and the General Pretreatment Regulations, 40 CFR, Part 403, and amendments, thereto. The objectives of this Part are:

A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with its operation.

B. To prevent the introduction of pollutants into publicly owned treatment works that will prevent or restrict the beneficial reuse of the resulting sludge from the wastewater treatment process.

C. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters, or otherwise be incompatible with the publicly owned treatment works.

D. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public.

E. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works.

F. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works.

G. To enable the City of Reading to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the publicly owned treatment works is subject.

2. This Part shall apply to all users of the City of Reading publicly owned treatment works located within the Borough of Shillington. This Part authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein. This Part supersedes *Ord. 61-84*, *Ord. 1-87*, *Ord. 104-89*, *Ord. 7-94*, and *Ord. 48-86*, as amended and provisions of that

[2]Editor's Note: See also, Part 2, "Sewer Rentals."

ordinance are null and void where they conflict with specifics contained herein.[3]

(*Ord. 1073*, 11/8/2007, §1.1)

§18-402. Administration.

1. This Part provides for the regulation of contributors to the POTW and wastewater system through the issuance of permits to certain nondomestic users and through enforcement of general requirements for users, authorizes monitoring, compliance, and enforcement activities; requires user reporting; assumes that existing customer's capacity will not be preempted; and, provides for the setting of fees for their equitable distribution of costs resulting from the program established herein.

2. This Part shall apply to all users of the POTW. Except as otherwise provided, herein, the Industrial Waste Administrator shall administer, implement, and enforce the provisions of this Part. Any powers granted to or duties imposed upon the Industrial Waste Administrator may be delegated by the Industrial Waste Administrator to other City personnel or to the City's authorized agent.

(*Ord. 1073*, 11/8/2007, §1.2)

§18-403. Abbreviations and Acronyms.

The following abbreviations or acronyms shall have the designated meanings:

APR	Average Percentage Rate
ASTM	American Standard Testing Materials
BAT	Best Available Treatment
BATEA	Best Available Technology Economically Achievable
BCT	Best Control Technology
BMP	Best Management Practices
BMR	Baseline Monitoring Report
B/N	Base/Neutral

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[3]Editor's Note: *Ord. 61-84*, *Ord. 1-87*, *Ord. 104-89*, *Ord. 7-94* and *Ord. 48-86* are not ordinances of the Borough of Shillington but are ordinances of the City of Reading, Pennsylvania. The Code of Ordinances of the City of Reading as posted to www.keystatepub.com indicate the following disposition of the ordinances:

Ord. No.	Date of Adoption	Disposition
61-1984	7/18/1984	Repealed by *Ord. 17-1998*, 5/26/1998
48-1986	6/11/1986	Repealed by *Ord. 17-1998*, 5/26/1998
1-1987	1/14/1987	Repealed by *Ord. 17-1998*, 5/26/1998
104-1989	11/8/1989	Repealed by *Ord. 17-1998*, 5/26/1998
7-1994	1/19/1994	Repealed by *Ord. 17-1998*, 5/26/1998
17-1998	5/26/1998	§§18-101–18-117, City of Reading Code of Ordinances

BOD	Biochemical Oxygen Demand
BPJ	Best Professional Judgment
BPT	Best Professional Technology
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
CIU	Categorical Industrial User
COD	Chemical Oxygen Demand
CSO	Combined Sewer Overflow
CWA	Clean Water Act
CWF	Combined Wastestream Formula
DMR	Discharge Monitoring Report
DSS	Domestic Sewage Study
EMS	Enforcement Management System
EP	Extraction Procedure
EPA	Environmental Protection Agency of the United States
ERP	Enforcement Response Plan
FDF	Fundamentally Different Factor
FOV	Finding of Violation
FOG	Fats, Oil, and Grease
FR	Federal Register
FTE	Full-Time Equivalent
FWA	Flow-Weighted Averaging
FWPCA	Federal Water Pollution Control Act
GC/MS	Gas Chromatograph/Mass Spectrophotometry
gpd	gallons per day
I+I	Infiltration and Inflow
IU	Industrial User
TWA	Industrial Waste Administrator
IWS	Industrial Waste Survey
MAHL	Maximum Allowable Headworks Loading
MGD	Million Gallons Per Day
mg/L	milligrams per liter
MOU	Memorandum of Understanding
MSDS	Material Safety Data Sheet
NH_3-N	Ammonia (NH_3) expressed as nitrogen (N)
NIOSH	National Institute of Occupational Safety and Health
NMP	National Municipal Policy
NPDES	National Pollutant Discharge Elimination System
NON	Notice of Noncompliance
NOV	Notice of Violation

OCPSF	Organic Chemicals, Plastics, and Synthetic Fibers
O&G	Oil and Grease
O&M	Operations and Maintenance
OSHA	Occupational Safety and Health Administration
OWEC	Office of Water Enforcement and Compliance
PAD	Proportioned Actual Domestic Flow
PaDEP	Pennsylvania Department of Environmental Protection
PAH	Polynuclear Aromatic Hydrocarbons
PAI	Proportioned Actual Industrial Flow
PASS	Pretreatment Audit Summary System
PCB	Polychlorinated Biphenols
PCI	Pretreatment Compliance Inspection
PCME	Pretreatment Compliance Monitoring Enforcement
PCS	Permit Compliance System
PIRT	Pretreatment Implementation Review Task Force
POTW	Publicly Owned Treatment Works
ppd	pounds per day
ppm	parts per million
ppb	parts per billion
PPETS	Pretreatment Permits Enforcement Tracking System
PQR	Permit Quality Review
PSNS	Pretreatment Standards for New Sources
PSES	Pretreatment Standards for Existing Sources
QA/QC	Quality Assurance/Quality Control
QNCR	Quarterly Noncompliance Report
RCRA	Resource Conservation and Recovery Act
RNC	Reportable Noncompliance
SARA	Superfund Amendments and Reauthorization Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SMP	Solvent Management Plan
SNC	Significant Noncompliance
SPCC	Spill Prevention Control and Countermeasures
SPMS	Strategic Planning and Management System
STP	Sewage Treatment Plant
STLC	Soluble Threshold Limit Concentration
SU	Standard Units
SUO	Sewer Use Ordinance
SWDA	Solid Waste Disposal Act
TCLP	Toxicity Characteristic Leachate Procedure
TDS	Total Dissolved Solids

TICH	Total Identifiable Chlorinated Hydrocarbons
TOMP	Toxic Organic Management Plan
TRC	Technical Review Criteria
TRE	Toxicity Reduction Evaluation
TSS	Total Suspended Solids
TTO	Total Toxic Organics
TTLC	Total Threshold Limit Concentration
USC	United States Code
ug/L	micrograms per liter
VOA	Volatile Organic Analysis
VOC	Volatile Organic Compounds
VSS	Volatile Suspended Solids
WENDB	Water Enforcement National Data Base
WEF	Water Environment Federation
WQA	Water Quality Act
WQS	Water Quality Standard
WWTP	Wastewater Treatment Plant

(*Ord. 1073*, 11/8/2007, §1.3)

§18-404. Definitions.

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Part, shall have the meanings hereinafter designated:

Act or *the Act* - the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 USC §1251 *et seq*.

Approval authority - the EPA Regional III Administrator.

Appurtenance - auxiliary structures attached to a sewer which shall include, but not be limited to, pump stations, slots, regulators, outfalls, force mains, manholes, catch basins, tide gates, monitoring devices and metering chambers.

Authorized employees or agents of the City - a person who by reason of his or her general position or job description with the City has specific duties and responsibilities to perform on behalf of the City. Also included are agents of the City, who are authorized by the IWA to act on behalf of the City through an authorization letter.

Authorized representative of the user -

(1) If the user is a corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation.

(b) The manager of one or more manufacturing, production, or operation 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 user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is representing Federal, State, or local governments, or an agent thereof, an authorized representative shall mean a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

The individuals described in subparagraphs (1)–(3) above may designate another authorized representative if said authorization is submitted to the City in writing and specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters of the company.

Batch discharge - the discharge of all or part of the contents of a tank that occurs intermittently or over a short period of time.

Biochemical oxygen demand or *BOD* - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for 5 days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/L).

Biologicals - preparations made from living organisms and their products, including vaccines, cultures, etc., intended for use in diagnosing, immunizing or treating humans or animals or in research pertaining thereto.

Blood products - any products derived from human blood including, but not limited to, whole blood, blood plasma, platelets, red or white blood corpuscles, and other derived licensed products, such as interferon, etc.

Body fluids - liquids emanating or derived from humans including blood products, cerebrospinal, pleural, peritoneal and pericardial fluids, and amniotic fluids and semen and vaginal secretions but excluding feces, urine, nasal secretions, sputum, sweat, tears, saliva, and breast milk, unless any such excluded substance contains visible blood or is isolation waste.

Borough - the Borough of Shillington, Pennsylvania.

Building drain - that part of the lowest horizontal piping within a building that carries water, wastewater or stormwater to a building sewer.

Building sewer - the extension from the building drain to the public sewer, or other place of disposal. Also referred to as "house connection."

Bypass - the intentional or un-intentional diversion of waste streams from any portion of a user's treatment facility.

Chain of custody - written documentation such as receipts and record book entries to show the history of possession, custody and/or control of a sample from collection through analysis.

Chemical oxygen demand (COD) - a measure of the amount of oxygen required to oxidize organic and oxidizable inorganic compounds in water.

Chlorine demand - the quantity of chlorine absorbed in water, sewage or other liquids, allowing a residual of 0.1 mg/L, after 15 minutes of contact.

City - the City of Reading, Pennsylvania. The agent of the City who is

authorized by this Part to implement the City's industrial pretreatment program shall be the Industrial Waste Administrator.

Collection facilities - the sewers, lift stations, and other City facilities used to collect wastewaters from individual users within specific tributary districts and transport them to conveyance facilities for transmission to the treatment plant for processing.

Color - as analyzed by methods specified by 40 CFR, Part 136.

Commercial user - a source of discharge of wastewater to the City sewer system from premises used partially or entirely for commercial purposes.

Composite sample - the sample collection technique resulting from the combination of individual wastewater grab samples taken at selected intervals based on either an increment of flow or time.

Contact cooling water - any water used for cooling purposes which comes into direct contact with the object being cooled such as any raw material, intermediate product, waste product or finished products.

Control authority - the term "control authority" shall refer to the City or the City of Reading POTW.

Conventional wastewater pollutants - pollutants so designated in accordance with §304(a)(4) of the Act as being effectively managed by secondary treatment as defined by 40 CFR, Part 133.

Daily maximum - the maximum allowable discharge of a pollutant during a calendar day. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average measurement of the pollutant derived from all measurements taken that day.

Direct connection - the connection of a building sewer directly to a sewer owned by the City.

Direct discharge - the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

Discharge - the introduction of wastewater, water, and/or pollutants into the City's facilities from any source.

Domestic waste - the normal water-carried household and toilet wastes from residences, business buildings, institutions and industrial establishments. Also known as "sewage."

Easement - the acquired legal right to use land owned by others for a specific purpose.

Enforcement response plan - a plan which sets forth the City's enforcement response to violations of this Part, as required by 40 CFR, Part 403.

Environmental Protection Agency or *EPA* - the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Regional Water Management Division Director, 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 pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with §307 of the Act.

Facility or *facilities* - see "wastewater facilities."

Flashpoint - the temperature at which a liquid or volatile solid gives off vapor sufficient to form an ignitable mixture with the air near the surface of the liquid or within the test vessel. Flashpoint is determined by the test methods set out in 40 CFR §261.21.

Garbage - shall include, but not be limited to, the wastes resulting from the handling, preparation, cooking and serving of food, and from the handling, storage and sale of product.

Garbage disposal unit or *garbage grinder* - a mechanical device used for grinding, shredding or macerating garbage to a small particle size before discharge to the sewer.

Grab sample - a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed 15 minutes.

Grease - a substance which tests positive in the standard analytical method used for this parameter. Grease may be composed of volatile and nonvolatile residual fats, oils, fatty acids, soaps, waxes, mineral oils and other materials of similar composition.

Grease removal device - a device for removal of grease and/or oil from a wastewater discharge.

Holding tank waste - any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Indirect connection - a building sewer connection that is not a direct connection; and whose wastewater discharge shall, notwithstanding the passage in its normal course through other sewers or conduits, ultimately discharge in whole or in part through City sewers.

Indirect discharge or *discharge* - the discharge or the introduction of pollution from any nondomestic source regulated under §307(b), (c) or (d) of the Act, 33 USC §1317, into the POTW (including holding tank waste discharge into the system).

Industrial establishment - any improved property used, in whole or in part, for manufacturing, processing, cleaning, laundering, or assembling any product, commodity or article; or from which any process waste, as distinct from sewage, shall be discharged.

Industrial user - a source of indirect discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to §402 of the Act. In addition, "industrial user" shall also be defined as an establishment which discharges or introduces industrial waste into the POTW.

Industrial waste - shall have the meaning ascribed to it in the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Stream Law," and the regulations adopted thereunder.

Industrial Waste Administrator (IWA) - the person designated by the City to administer its industrial waste program and who is charged with certain duties

and responsibilities by this Part or his/her duly authorized representative.

Infectious wastes - wastewater contaminated by or containing any agent or organism, such as a virus or a bacteria, capable of being communicated by invasion and multiplication in body tissues and capable of causing disease or adverse health impacts in humans.

Instantaneous maximum allowable discharge limit - the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

Interference - a discharge, which alone or in conjunction with a discharge or discharges from other sources, both: (1) inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and (2) therefore, is a cause of a violation of the City'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 any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations; §405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and, the Marine Protection, Research, and Sanctuaries Act.

Isolation waste - biological waste and discarded materials contaminated with blood, excretion, exudates, or secretions from humans who are isolated to protect others from certain highly communicable diseases, or isolated animals known to be infected with highly communicable diseases and specified by the Center for Disease Controls (CDC) as Classification 4.

Manhole - a shaft or chamber leading from the surface of the ground to a sewer; large enough to enable a person to gain access to the sewer.

May - is permissive; shall is mandatory.

Medical waste - any solid waste which is generated in the diagnosis, treatment (e.g., provisions of medical services), or immunization of human beings or animals in research pertaining thereto, or in the production or testing of biologicals.

Monthly average - the arithmetic mean of the values for effluent samples collected over a calendar month.

Municipality - any City, Borough, Township, municipal authority, County, County authority, State authority or sewer district that discharges wastewater into the sewers owned by the City.

National categorical pretreatment standard or *categorical standard* - any regulation containing pollutant discharge limits promulgated by EPA in accordance with §307(b) and (c) of the Act, 33 USC §1317, which apply to a specific category of users and which appear in 40 CFR, Chapter I, Subchapter N, Parts 405-471.

National Pollution Discharge Elimination System (NPDES) permit - a permit issued pursuant to §402 of the Federal Water Pollution Control Act, 33 USC §1342.

National prohibitive discharge standard or prohibitive discharge standard -

any regulation developed under the Authority of §301(b) of the Act and 40 CFR §403.5.

Nonsignificant industrial user - a user designated as such by the IWA based on the user's discharge quantity and quality. Such users may include, but are not limited to, commercial users, medical offices (doctor, dentist, etc.), garages and auto repair facilities, funeral parlors, and laboratories. The ultimate determination of the status of nonsignificant industrial user is within the discretion of the IWA pursuant to the terms and conditions of this Part.

New source -

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under §307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

(a) The building, structure, facility, or installation is constructed at a site at which no other source is located.

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source.

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subparagraph (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on site construction program:

1) Any placement, assembly, or installation of facilities or equipment.

2) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment.

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for

feasibility, engineering, and design studies do not constitute a contractual obligation under this clause.

Noncontact cooling water - water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Outfall - the mouth of a sewer, drain or conduit where an effluent is discharged into the receiving waters, or discharged into the POTW collection system.

Owner or *operator* - any person who owns, leases, operates, or controls or supervises a source.

Pass through - a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Permittee - the term "permittee" shall refer to the City of Reading POTW.

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. This definition includes all Federal, State, and local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

pH - a measure of the acidity or alkalinity of a solution, expressed in standard units.

Pollutant - dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

Pollution - the man-made, or man-induced alteration of the chemical, physical, biological, or radiological integrity of water.

Pretreatment or *treatment* - 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Pretreatment requirements - any substantive or procedural requirement related to pretreatment imposed on a user, including a pretreatment standard or procedural provision of the Federal Water Pollution Control Act, 62 Stat. 115, 33 USC §1251 *et seq*., or the Act of June 22, 1937, P.L. 1987, No. 394, known as the "Clean Streams Law," or any rule or regulation, ordinance or term or condition of a permit or order adopted or issued by the Commonwealth or a POTW for the implementation or enforcement of an industrial waste pretreatment program established under the Federal Water Pollution Control Act or the Clean Streams

Law.

Pretreatment standards or standards - pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Prohibited discharge standards or *prohibited discharges* - the absolute or conditional prohibition from discharge of a substance, group of substances or type of substance as defined in §18-405 of this Part.

Publicly owned treatment works or *POTW* - a "treatment works," as defined by §212 of the Act, 33 USC §1292, which is owned by the City. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

POTW treatment plant - that portion of the POTW designed to provide treatment to wastewater.

Regulated medical waste - a special category of solid waste that includes specific types of medical waste that includes solid, semisolid, or liquid materials, but does not include domestic sewage materials. This waste is subject to the handling and tracking requirements of Pennsylvania Department of Environmental Protection. Categories of regulated medical waste are defined as blood, blood products, body fluids, contaminated sharps, discarded cultures and stocks of infectious agents and associated biologicals, isolation wastes, pathological waste and oncological waste.

Residential users - persons only contributing sanitary wastewater to the municipal wastewater system.

Sanitary sewer - a sewer that is designed to carry liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface wastes that are not discharged intentionally.

Septic tank waste - any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Sewage - human excrement and gray water (household showers, dishwashing operations, etc.).

Sewer - a pipe or conduit, and other appurtenance provided to carry wastewater or stormwater.

Shall - is mandatory; "may" is permissive.

Significant industrial user -

(1) A user subject to categorical pretreatment standards.

(2) A user that:

(a) Discharges an average of 25,000 gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater).

(b) Contributes a process wastestream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant.

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in subparagraph (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR §403.8(f)(6), determine that such user should not be considered a significant industrial user.

Significant noncompliance - an industrial user is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR §403.8(f)(2)(vii). For purposes of this definition, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

(2) Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

(3) Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

(4) Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

(5) Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

(6) Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance, including failure to report and resample in accordance with §18-441.

(8) Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

Sludge - the solids, residues, and precipitate separated from wastewater by the unit processes of a publicly owned treatment works or industrial pretreatment systems.

Slug load or slug - any discharge of a nonroutine, episodic nature, or at a flow rate or concentration which would cause a violation of the prohibited discharge

standards in Part 1B.

Source - any building, structure, facility or installation from which there is or may be the discharge of pollutants.

Standard Industrial Classification (SIC) Code - a classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.

Standard methods - methods for the examination of water and wastewater published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

State - Commonwealth of Pennsylvania.

Storm sewer - a sewer that carries stormwater and other wash waters or drainage, but excludes domestic, sanitary, commercial, and industrial wastes. Also called a "storm drain."

Stormwater - any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

Surface water pollutant - stormwater or other wash water or drainage carrying any pollutants which affect the characteristics of wastewater.

Suspended solids - the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering in accordance with EPA laboratory procedures (40 CFR, Part 136).

Superintendent - the person designated by the City to supervise the operation of the POTW or his/her duly authorized representative.

Toxic pollutant - any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of CWA §307(a) or other acts.

Treatment plant effluent - any discharge of pollutants from the City's facilities into waters of the State.

Turbidity - a condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays and determined by measurements of light diffraction, usually reported in arbitrary turbidity units.

User or *industrial user* - any person who contributes, causes or permits the contribution of wastewater into the City's POTW.

Wastewater - the spent water of the community. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions, and governmental facilities whether treated or untreated, which are contributed to the POTW.

Wastewater facilities (facilities) - as used herein, shall mean the structures, equipment, and processes required for the collection, treatment, and disposal of wastewater and sewage sludge which are owned and operated by the City.

Wastewater treatment plant or *treatment plant* - that portion of the POTW which is designed to provide treatment of wastewater and sewage sludge sometimes used as synonymous with waste treatment plant, sewage treatment

plant, or wastewater treatment works.

Waters of the State or *Waters of the Commonwealth* - 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.

Zero discharge wastewater pretreatment system - a wastewater pretreatment system with no discharge to the sewer system.

(*Ord. 1073*, 11/8/2007, §1.4)

B. General Sewer Use Requirements

§18-405. Prohibited Discharge Standards.

1. *General Prohibitions*. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

2. *Specific Prohibitions*. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

A. Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees Fahrenheit (60 degrees Centigrade) using the test methods specified in 40 CFR §261.21.

B. Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment.

C. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to: grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or flushings, entrails, whole blood, medical waste, feathers, ashes, cinders, sand, stone or marble dust, metal, glass, straw, shavings grass clippings, rags, spent grains, spent hops, waste paper, paper dishes, cups, milk containers, lime slurries, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

D. Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW.

E. Any wastewater having a temperature which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees Fahrenheit (40 degrees Centigrade).

F. Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems.

G. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through.

H. Trucked or hauled pollutants, except at discharge points designated by the City in accordance with Part 1P.

I. Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance, odor problem, or a hazard to life, or to prevent entry into the sewers for maintenance or repair.

J. Wastewater with a true color in excess of 100 platinum cobalt units, except by dischargers with a higher limit specified in their permit.

K. Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations or any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by State or Federal laws or regulations.

L. Stormwater, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, and noncontact cooling water, unless specifically authorized by the City.

M. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test.

N. Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

O. Any garbage that has not been properly shredded to at least particles less than ½ inch in any dimension. Garbage grinders may be connected to public sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers, providing that all requirements of applicable City ordinances are satisfied.

P. Chlorine demand in such quantities as to constitute a significant load on the wastewater facilities or which may cause the effluent from the City's wastewater treatment facilities to violate any State or Federal rules, regulations, or permit requirements including, but not limited to, National Pollutant Discharge Elimination System (NPDES) permits.

Q. Concentrations of BOD or TSS or NH_3-N which exceed specific threshold values without payment of a surcharge to cover the additional costs of treatment. The current threshold value for BOD is 300 mg/L and for TSS is 325 mg/L and for NH_3-N is 20 mg/L. Payment of a surcharge does not prevent the City from initiating any actions available under §18-411 below, when the City determines that any other general discharge limitations are violated. Furthermore, payment of a surcharge shall not constitute an affirmative defense to any action taken pursuant to §18-411 below.

R. Any substance which may cause the POTW's 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 POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under §405 of the Act; any criteria, guidelines, or regulations developed under §405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or other Federal or State criteria applicable to the sludge management method being used.

S. Slugs as defined in §18-404.

T. Isolation wastes or regulated medical waste. (See definitions under §18-404.)

U. Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than 5% or any single reading over 10% of the lower explosive limit of the meter. Materials

include, but are not limited to: gasoline, benzene, naphtha, fuel oil, paint products, kerosene, toluene, xylene, ethers, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides, sulfides, or any other flammable or explosive substances which the City, the Pennsylvania Department of Environmental Protection, or the Environmental Protection Agency has notified the user is a fire hazard or a hazard to the City POTW.

V. Discharges prohibited by State or Federal regulations.

3. When the City determines that a user(s) is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the City may: (A) advise the user(s) of the impact of the contribution on the POTW; (B) develop effluent limitation(s) for such user to correct the interference with the POTW; or (C) proceed with enforcement pursuant to the provisions of this Part.

4. Pollutants, substances or wastewater prohibited by this Section shall not be processed or stored in a manner that they could be discharged to the POTW.

(*Ord. 1073*, 11/8/2007, §2.1)

§18-406. National Categorical Pretreatment Standards.

The categorical pretreatment standards found at 40 CFR, Chapter I, Subchapter N, Parts 405-471, are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the City may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).

B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the City shall impose an alternate limit using the combined wastestream formula in 40 CFR §403.6(e).

C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR §403.15.

(*Ord. 1073*, 11/8/2007, §2.2)

§18-407. Local Limits.

1. Limits for discharging pollutants which are of concern to the POTW will be made using headworks loading analyses which have been reviewed and approved by the EPA. Limits may be in the form of monthly average concentration, daily maximum concentration, or instantaneous maximum concentration. Limits will be contained in the wastewater discharge permits issued. The limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The City may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

2. The City's objective in setting the limits is to restrict industrial waste discharges to the above described concentrations which will not harm either the sewer system or the treatment plant, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, limb, or public property or constitute a nuisance. The City may set lower or higher limitations in specific cases if, in the opinion of the City, said actions will be consistent with the above stated objective. In the setting of such lower or higher limitations, the City will give consideration to such factors as the volume of wastewater flow in relation to flows and velocities in the sewers, degree of treatability of the waste, and other pertinent factors. The City reserves the right to reevaluate and revise the limitations as needed. All local limit changes will be submitted to the approval authority for approval. The more stringent of EPA or Commonwealth of Pennsylvania requirements and limitations shall apply in any case where either is more stringent than those presently in force.

3. An industrial user classified as a categorical industrial user shall be required to meet the EPA categorical standards, if such standards are more stringent than the local discharge limitations.

(*Ord. 1073*, 11/8/2007, §2.3)

§18-408. State Requirements.

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Part.

(*Ord. 1073*, 11/8/2007, §2.4)

§18-409. Right of Revision.

The City reserves the right to establish by ordinance limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in §18-401 of this Part.

(*Ord. 1073*, 11/8/2007, §2.5)

§18-410. Dilution.

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 a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The City may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

(*Ord. 1073*, 11/8/2007, §2.6)

§18-411. Remedies.

If any wastewater is discharged or is proposed to be discharged to the wastewater facilities in violation of the limitations or prohibitions described in Part 1B, the City, may:

A. Reject the wastes.

B. Require surcharge payments to be made to the City to cover its added cost

of handling, monitoring, and treating the wastes which exceed threshold values in accordance with rates set and approved by the City.

C. Revoke a discharger's permit.

D. Recover any and all actual costs expended by the City in correcting any problems caused by discharges in violation of this Part.

E. As authorized by this Part, take any other administrative sanctions, enforcement actions, and remedial actions as may be desirable, necessary, or permitted to achieve the purpose of this Part.

(*Ord. 1073*, 11/8/2007, §2.7)

§18-412. Accidental Discharges.

1. Each user shall provide protection from accidental discharge of prohibited or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. No user shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the user to immediately notify the City of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

2. *Written Notice*. Within 5 days following an accidental discharge, the user shall submit to the City a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor, shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by this Part or other applicable law.

3. *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 an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

(*Ord. 1073*, 11/8/2007, §2.8)

C. Pretreatment of Wastewater

§18-413. Pretreatment Facilities.

Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in §18-405 of this Part within the time limitations specified by EPA, the State, or the City, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the City for review, and shall be acceptable to the City before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Part. The issuance of any permit by the City for pretreatment facilities pursuant to this Part does not constitute an approval of the design of any such pretreatment system. The user remains responsible for the design, construction, operation and maintenance of an acceptable pretreatment facility. The City shall have no responsibility or liability to any user whose system fails for any reason whatsoever to produce a discharge acceptable to the City.

(*Ord. 1073*, 11/8/2007, §3.1)

§18-414. Additional Pretreatment Measures.

1. Whenever deemed necessary and with reasonable justification, the City may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.

2. Grease, oil, and sand interceptors shall be provided when they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except, that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the City and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense. Maintenance records shall be made available to the City upon request.

3. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

(*Ord. 1073*, 11/8/2007, §3.2)

§18-415. Accidental Discharge/Slug Control Plans.

At least once every 2 years, the City shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The City may require any user to develop, submit for approval, and implement such a plan. Alternatively, the City may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including nonroutine batch discharges.

B. Description of stored chemicals that have the reasonable potential to

discharge to the POTW.

C. Procedures for immediately notifying the City of any accidental or slug discharge, as required by §18-439 of this Part.

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.

(*Ord. 1073*, 11/8/2007, §3.3)

§18-416. Installation of Zero Discharge Pretreatment System.

Prior to installation of a zero discharge pretreatment system, the user must submit a zero discharge pretreatment system design plan for City acceptance. In order to obtain City acceptance, the user must demonstrate that he or she will provide full pretreatment of all wastewater and will cease to discharge process wastewater to the facilities by an effective date prescribed by the City and the user must obtain a zero discharge permit from the City.

(*Ord. 1073*, 11/8/2007, §3.4)

D. Wastewater Discharge Permit Application

§18-417. Wastewater Discharges.

It shall be unlawful to discharge to the POTW any wastewater except as authorized by the City in accordance with the provisions of this Part, subject to State and Federal laws and regulations.

(*Ord. 1073*, 11/8/2007, §4.1)

§18-418. Wastewater Analysis.

When requested by the City, a user must submit information on the nature and characteristics of its wastewater within 90 days of the request. The City is authorized to prepare a form for this purpose and may periodically require users to update this information.

(*Ord. 1073*, 11/8/2007, §4.2)

§18-419. Wastewater Discharge Permit Requirement.

1. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the City, except that a significant industrial user that has filed a timely application pursuant to §18-420 of this Part or the previous City *Ord. 61-84* may continue to discharge for the time period specified therein.

2. The City may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.

3. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Part and subjects the wastewater discharge permittee to the sanctions set out in Parts 1J through 1L. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4. No permit holder shall discharge industrial wastewater in excess of the quantity, rate of discharge, concentrations or any other limits specified in the permit. Any person desiring to modify his or her permit must first apply for an amended permit.

(*Ord. 1073*, 11/8/2007, §4.3)

§18-420. Wastewater Discharge Permitting; Existing Connections.

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part, and does not have a permit currently, and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to the City for a wastewater discharge permit in accordance with §18-422 of this Part, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of this Part except in accordance with a wastewater discharge permit issued by the City.

(*Ord. 1073*, 11/8/2007, §4.4)

§18-421. Wastewater Discharge Permitting; New Connections.

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with §18-422 of this Part, must be filed at least 90 days prior to the date upon which any discharge will begin or recommence.

(*Ord. 1073*, 11/8/2007, §4.5)

§18-422. Wastewater Discharge Permit Application Contents.

All users required to obtain a wastewater discharge permit must submit a permit application. The City may require all users to submit as part of an application the following information:

A. All information required by §18-434.2 of this Part.

B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

C. Number of employees, hours of operation, and proposed or actual hours of operation.

D. Each product produced by type, amount, process or processes, and rate of production.

E. Type and amount of raw materials processed (average and maximum per day).

F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge and pretreatment system plans.

G. Time and duration of discharges.

H. Waste water constituents and characteristics. Sampling and analysis shall be performed in accordance with §304(g) of the Act and 40 CFR, Part 136, as amended.

I. The name and concentration of any pollutants in the discharge, the number of sampling events shall be determined by the City; and a written statement as to whether or not applicable pretreatment standards are being met, and if not, whether additional in-plant modification and additional pretreatment is required for the user to meet such applicable pretreatment standards.

J. If additional pretreatment or in-plant modification will be required to meet the pretreatment standards, the user will provide a schedule by which to achieve the standards in a timely manner. The schedule will be reported as the pretreatment compliance schedule. 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 user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, executing contracts for major components, commencing construction, completing construction). No increment shall exceed 9 months.

(2) Not later than 14 days following each completion date in the schedule, the user shall submit a progress report to the City including at a minimum, whether or not, he or she complied with the increments of progress. If such increment of progress was not completed on time, the user shall also report the date on which he or she expects to complete the increment of progress, the reason for the delay, and the steps being taken by the user to return to the schedule established. In no event shall completion dates be more than 9 months apart.

K. Information on the disposal of substances to the POTW which are considered hazardous under 40 CFR, Part 261.

L. Signatory requirements.

M. Applicable fees.

N. Any other information as may be deemed necessary by the City to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

(*Ord. 1073*, 11/8/2007, §4.6)

§18-423. Application Signatories and Certification.

All wastewater discharge permit applications, user reports and inspection reports must be signed by an authorized representative of the user and 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."

(*Ord. 1073*, 11/8/2007, §4.7)

§18-424. Wastewater Discharge Permit Decisions.

1. The City shall evaluate the data furnished by the user and may require additional information. Based on the application, the City may issue a wastewater discharge permit subject to the terms and conditions enumerated in the permit.

2. The City may deny a request for a permit when the information supplied indicates the user will be unable to reasonably meet the City's standards. Any person denied a permit may request a hearing in accordance with the provisions of §18-472.

(*Ord. 1073*, 11/8/2007, §4.8)

E. Wastewater Discharge Permit Issuance Process

§18-425. Wastewater Discharge Permit Duration.

A wastewater discharge permit shall be issued for a specified time period, not to exceed 5 years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than 5 years, at the discretion of the City. Each wastewater discharge permit will indicate a specific date upon which it will expire. The permit may be administratively extended by the City as long as the duration of the permit does not exceed 5 years.

(*Ord. 1073*, 11/8/2007, §5.1)

§18-426. Wastewater Discharge Permit Contents.

Wastewater discharge permits shall be expressly subject to specific permit provisions contained therein as well as to provisions of this Part and all other regulations, user charges and fees established by the City. Wastewater discharge permits may include such conditions as are reasonably deemed necessary by the City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality, and protect against damage to the City's collection system and POTW. Such conditions may include, but are not limited to, the following:

A. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed 5 years.

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with §18-429 of this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) Effluent limits based on applicable pretreatment standards; the average and/or maximum wastewater constituents permitted in the wastewater discharge.

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law, and reporting frequency.

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum volume or rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed

to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

(3) Requirements for the development and implementation of spill and slug prevention, control plans, solvent management plans, toxic organic management plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges.

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW.

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit.

(8) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges.

(9) Compliance schedules.

(10) Provisions for authorized City employees and agents to enter and inspect the premises, including provisions for copying records, inspecting monitoring equipment and sampling effluent.

(11) Compliance with Federal, State, and other government laws, rules, and regulations.

(12) Signatory requirements.

(13) Other conditions as deemed appropriate by the City to ensure compliance with this Part, and State and Federal laws, rules, and regulations.

C. The zero discharge permit may require, among other things, that:

(1) The zero discharge system be installed as proposed and be fully operational.

(2) All sewer drain lines in the facility be capped off and sealed.

(3) The user notify the City in writing, and obtain a revised wastewater discharge permit from the City before resuming discharge if he/she wishes to reconnect to the sewer.

(4) City personnel be authorized to enter such premises without delay and at reasonable times for the purpose of inspection and as otherwise authorized by this Part.

D. The nonsignificant user permit may include the items listed in paragraphs .A and .B of this Section.

(*Ord. 1073*, 11/8/2007, §5.2)

§18-427. Wastewater Discharge Permit Reconsiderations.

The City may provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the City to reconsider the terms of a wastewater discharge permit within 30 days of notice of its issuance.

A. Failure to submit a timely written request for review shall be deemed to be a waiver of the administrative appeal.

B. The petitioner in its written request, must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

C. During the pendency of a written request for a reconsideration and/or an appeal, the effective date of the wastewater discharge permit shall be stayed; provided, however, that the City shall have the right to take any and all steps necessary to cause a cessation of any discharge which would cause an immediate threat to the health and safety of any person and/or would constitute a threat to the integrity of the sanitary sewer system or the POTW.

This Section shall only be operative to stay the effective date of the wastewater discharge permit where the City has affirmatively responded to the application and granted a stay for such reasonable time as the City deems necessary to consider the requests for reconsideration and/or appeal and, furthermore, said stay of the permit shall only be effective for the specific provisions of the permit which have either been appealed and/or a request for reconsideration has been submitted by the applicant. The request for reconsideration and/or appeal shall not be considered a stay of the entire permit, but only for those specific sections of the permit from which the applicant is seeking relief.

D. The City shall act on the written request within a reasonable time period, not to exceed 90 days. The City's decision not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered a final administrative action provided that the petitioner may file an appeal pursuant to §18-472 hereunder.

(*Ord. 1073*, 11/8/2007, §5.3)

§18-428. Wastewater Discharge Permit Modification.

1. The City may modify a wastewater discharge permit for good cause including, but not limited to, the following reasons:

A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance.

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.

D. Information indicating that the permitted discharge poses a threat to the City's POTW, City personnel, or the receiving waters.

E. Violation of any terms or conditions of the wastewater discharge permit.

F. Misrepresentations or failure to fully disclose all relevant facts in the

wastewater discharge permit application or in any required reporting.

G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR §403.13.

H. To correct typographical or other errors in the wastewater discharge permit.

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

2. A user may apply for modification of a discharge permit by filing a new application form showing substantial significant and material changes that have been proposed since filing the original application. No application for modification will be considered unless it demonstrates such changes.

3. After a review of the application and inspection of the facility, the City may, at its discretion, modify the original permit. If such application is rejected, the existing permit shall remain in full force and effect.

4. The user shall be informed of any proposed changes in his or her permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a hearing on modifications to his or her permit in accordance with the provisions of Part 1L.

(*Ord. 1073*, 11/8/2007, §5.4)

§18-429. Wastewater Discharge Permit Transfer.

1. Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least 30 days advance notice to the City and the City approves the wastewater discharge permit transfer. The notice to the City must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes.

B. Identifies the specific date on which the transfer is to occur.

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

2. Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

(*Ord. 1073*, 11/8/2007, §5.5)

§18-430. Wastewater Discharge Permit Revocation.

1. The City may revoke a wastewater discharge permit for good cause including, but not limited to, the following reasons:

A. Failure to provide prior notification to the City of changed conditions pursuant to §18-438 of this Part.

B. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.

C. Falsifying self-monitoring reports.

D. Tampering with monitoring equipment.

E. Refusing to allow the City timely access to the facility premises and records.

F. Failure of the user to meet the effluent limitations contained in the wastewater discharge permit.

G. Failure to pay fines after the appeal process has been exhausted.

H. Failure to pay sewer charges.

I. Failure to meet compliance schedules.

J. Failure to complete a wastewater survey or the wastewater discharge permit application.

K. Failure to provide advance notice of the transfer of business ownership of a permitted facility.

L. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this Part.

2. Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

(*Ord. 1073*, 11/8/2007, §5.6)

§18-431. Wastewater Discharge Permit Reissuance.

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with §18-422 of this Part, a minimum of 90 days prior to the expiration of the user's existing wastewater discharge permit. Having met this requirement the user's existing permit shall remain in effect until a new permit is issued.

(*Ord. 1073*, 11/8/2007, §5.7)

§18-432. Reinstatement of Permit.

Before any further discharge of industrial wastewater may be made by a user whose permit has been revoked, the user must apply for, and be granted, a reinstatement of the terminated permit, or a new permit, as the City may require, and pay any delinquent fees and all fines, charges, and other costs occasioned by the violation. Costs shall include, but not be limited to: inspection, monitoring, sampling and related expenses; restitution to other affected parties; reasonable attorney's fees incurred by the City in enforcing the permit; disconnecting and reconnecting the user to the facility; and other actual damages incurred due to the violation; provided, that where there is a bonafide dispute between the user and any other affected party, the user shall not be required to pay restitution so long as the user shall show evidence of insurance or other security that the user can pay said restitution to the affected party if it is ultimately determined that the user is liable to said third parties. Any such fines, fees, charges and costs shall be paid for by the user before any new permit will be issued, except for the provision for disputed restitution set forth above. When all costs cannot be readily determined, the City may require and accept a bond or irrevocable letter of credit which it considers sufficient and which will be subject to appropriate adjustment after all costs have been determined.

(*Ord. 1073*, 11/8/2007, §5.8)

§18-433. Regulation of Waste Received from Other Jurisdictions.

1. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

2. Prior to entering into an agreement required by subsection .1, above, the City shall request the following information from the contributing municipality:

A. A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality.

B. An inventory of all users located within the contributing municipality that are discharging to the POTW.

C. Such other information as the City may deem necessary.

3. An intermunicipal agreement, as required by subsection .1, above, shall contain the following conditions:

A. A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as this Part and local limits which are at least as stringent as those set out in §18-407 of this Part. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the City's ordinance or local limits.

B. A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis.

C. A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the City; and which of these activities will be conducted jointly by the contributing municipality and the City.

D. A requirement for the contributing municipality to provide the City with access to all information that the contributing municipality obtains as part of its pretreatment activities.

E. Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW.

F. Requirements for monitoring the contributing municipality's discharge.

G. A provision ensuring the City access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the City.

H. A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

(*Ord. 1073*, 11/8/2007, §5.9)

F. Wastewater Monitoring and Reporting Requirements

§18-434. Baseline Monitoring Reports.

1. Within either 180 days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the City a report which contains the information listed in subsection .2, below. At least 90 days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the City a report which contains the information listed in subsection .2, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

2. Users described above shall submit the information set forth below:

A. *Identifying Information*. The name and address of the facility, including the name of the operator and owner.

B. *Environmental Permits*. A list of any environmental control permits held by or for the facility.

C. *Description of Operations*. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

D. *Flow Measurement*. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR §403.6(e).

E. *Measurement of Pollutants*.

(1) The categorical pretreatment standards applicable to each regulated process.

(2) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the City, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in §18-442 of this Part.

(3) Sampling must be performed in accordance with procedures set out in §18-443 of this Part.

F. *Certification*. A statement, reviewed by the user's authorized representative and certified by a qualified professional, 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. (Note: For certain users, the authorized user and the qualified professional may be the same individual.)

G. *Compliance Schedule*. 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 pursuant to this Section must meet the requirements set out in §18-435 of this Part.

H. *Signature and Certification*. All baseline monitoring reports must be signed and certified in accordance with §18-423 of this Part.

(*Ord. 1073*, 11/8/2007, §6.1)

§18-435. Compliance Schedule Progress Reports.

The following conditions shall apply to the compliance schedule required by §18-434.2.G of this Part:

A. The schedule shall contain progress increments 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 (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).

B. No increment referred to above shall exceed 9 months.

C. The user shall submit a progress report to the City no later than 14 days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule.

D. In no event shall more than 9 months elapse between such progress reports to the City.

(*Ord. 1073*, 11/8/2007, §6.2)

§18-436. Reports on Compliance with Categorical Pretreatment Standard Deadline.

Within 90 days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the City a report containing the information described in §18-434.2.D-.F and .H of this Part. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with §18-422 of this Part.

(*Ord. 1073*, 11/8/2007, §6.3)

§18-437. Monitoring and Periodic Self-Monitoring Compliance Reports.

1. Sampling and analysis of industrial wastewater for the purpose of compliance determinations with respect to Part 1B prohibitations and limitations shall be done through industry self-monitoring and through monitoring done by the City. All analyses, including sampling results submitted in support of any application reports, evidence or required by any permit or order shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, and amendments thereto or, if 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, in accordance with procedures approved by EPA . The City may require an independent laboratory to conduct the sampling and analysis at the user's own cost if the user does not monitor and analyze in accordance with EPA procedures, specifically 40 CFR, Part 136.

2. All significant industrial users shall, at a frequency determined by the City in the user's permit, but in no case less than twice per year, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic self-monitoring reports must be signed and certified in accordance with §18-423 of this Part. The user must also submit a self-monitoring report with the results on a form prescribed by the City, if so requested by the City.

3. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

4. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the City, using the procedures prescribed in §18-442 of this Part, the results of this monitoring shall be included in the report.

5. The user shall ensure compliance with the record keeping requirements of §18-445 of this Part.

(*Ord. 1073*, 11/8/2007, §6.4)

§18-438. Reports of Changed Conditions.

Each user must notify the City of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least 30 days before the change.

A. The City may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under §18-422 of this Part.

B. The City may issue a wastewater discharge permit under §18-424 of this Part or modify an existing wastewater discharge permit under §18-428 of this Part in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, significant changes include, but are not limited to, flow variations as stated in the user's permit and the discharge of any previously unreported pollutants.

(*Ord. 1073*, 11/8/2007, §6.5)

§18-439. Reports of Potential Problems/Notifications of Accidental Spills.

1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the City of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

2. Within 5 days following such discharge, the user shall, unless waived by the City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor, shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Part.

3. 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 discharge described in subsection .1, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

(*Ord. 1073*, 11/8/2007, §6.6)

§18-440. Reports from Unpermitted Users.

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the City as the City may require.

(*Ord. 1073*, 11/8/2007, §6.7)

§18-441. Notice of Violation/Repeat Sampling and Reporting.

If sampling performed by a user indicates a violation, the user must notify the City within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within 30 days after becoming aware of the violation. The user is not required to resample if the City monitors at the user's facility at least once a month, or if the City samples between the user's initial sampling and when the user receives the results of this sampling.

(*Ord. 1073*, 11/8/2007, §6.8)

§18-442. Analytical Requirements.

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report, for the purpose of compliance with this Part; or in fulfillment of the user's permit self-monitoring requirements, shall be performed in accordance with the techniques prescribed in 40 CFR, Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by

the EPA.

(*Ord. 1073*, 11/8/2007, §6.9)

§18-443. Sample Collection.

1. Except as indicated in subsection .2, below, the City reserves the right to require flow proportional composite samples whenever the user is required to collect wastewater samples. When flow proportional sampling is infeasible or derives no benefit, the City may authorize the use of time proportional sampling or a minimum of four grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. The City will review the appropriate method of sampling with the user.

2. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

3. For automatic samplers, the intake line hose must be at least ¼ inches (0.6 cm) internal diameter and the velocity in the intake line must be maintained at least at 2 feet per second.

(*Ord. 1073*, 11/8/2007, §6.10)

§18-444. Timing.

Written reports will be deemed to have been submitted on the date postmarked. For reports which are not mailed, postage prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

(*Ord. 1073*, 11/8/2007, §6.11)

§18-445. Record Keeping.

1. Users subject to the reporting requirements of this Part shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years unless there is pending a dispute or litigation involving the subject of these records, in which case these records are to be kept for a period of 3 years following resolution of such litigation or dispute.

2. All users who discharge or propose to discharge wastewater directly or indirectly to the facilities shall maintain records which substantiate any information supplied in permit applications. Such records shall include, but not be limited to, pH measurements or pH tapes, chemical usage data, log sheets, hazardous waste manifests, water meter readings, effluent monitoring reports, self-monitoring compliance reports and any other informational requirements of this Part or required by a user's wastewater discharge permit or any applicable State and Federal laws and regulations. These records are to be kept for a period of 3 years unless there is pending a dispute or litigation involving the subject of these records, in which case these records

are to be kept for a period of 3 years following resolution of such litigation or dispute.

(*Ord. 1073*, 11/8/2007, §6.12)

§18-446. Selling, Closing or Moving a Business.

Any user who will be selling, closing or moving a business from its present location must notify the City in writing 30 days before disposing of any process waste, associated with the move or the cessation of business, into the sewer system if said waste is not currently permitted to be discharged. The City has a shutdown facility procedure for the discharge of wastes not previously permitted into the sewer system which must be adhered to upon selling, closing or moving a business or operation. Failure to notify the City prior to discharging such waste into the facilities may subject the user to civil or criminal penalties in accordance with this Part. The facility shutdown procedure includes, but is not limited to, the following:

A. A written plan detailing how each chemical and solution is to be discharged to the sewer system, with or without treatment.

B. The information required in paragraph .A, above, must be reviewed and approved by the City prior to any solutions or chemicals being disposed of into the sewer system. Only those solutions approved by the City may be discharged to the sewer system. The City must be informed at least 48 hours in advance of when chemicals are to be discharged to the sewer.

C. The City reserves the right to request information on the final disposition of any material that the City prohibits to be discharged to the sewer.

(*Ord. 1073*, 11/8/2007, §6.13)

§18-447. Temporary Business Closings.

1. A permitted user shall give City personnel written notice within 5 working days prior to ceasing operations which will be of 90 days or greater in duration.

2. A permitted user shall give City personnel notice 5 working days prior to reactivating operations. The user shall not reactivate operations if the permit is suspended until after receiving written approval from the City following a City inspection.

(*Ord. 1073*, 11/8/2007, §6.14)

§18-448. Notification of the Discharge of Hazardous Waste.

1. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, 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 must 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, 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents in the wastestream discharged during that calendar month,

and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months. All notifications must take place no later than 180 days after the discharge commences. Any notification under this subsection need be submitted only once for each hazardous waste discharged. However, notifications or changed conditions must be submitted under §18-438 of this Part. The notification requirement in this Section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of §§18-434, 18-436 and 18-437 of this Part.

2. Dischargers are exempt from the requirements of subsection .1, above, during a calendar month in which they discharge no more than 15 kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e). Discharge of more than 15 kilograms of nonacute hazardous wastes in a calendar month, or of any quantify of acute hazardous wastes as specified in 40 CFR §§261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

3. In the case of any new regulations under §3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the City, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within 90 days of the effective date of such regulations.

4. In the case of any notification made under this Section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

5. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Part, a permit issued thereunder, or any applicable Federal or State law.

(*Ord. 1073*, 11/8/2007, §6.15)

G. Inspection Powers and Compliance Monitoring

§18-449. Right of Entry; Inspection and Sampling.

1. The City and its agents shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. *Powers*. Inspections shall be conducted at the discretion of the City. Duly authorized employees and agents of the City, upon presenting identification and appropriate credentials, are authorized:

(1) To enter without unreasonable delay and at reasonable times those premises (public or private) of any person of class of user either receiving services from the City or applying for services from the City in which a discharge source or treatment system is located or which records required to be maintained pursuant to this Part.

(2) During regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, to have access to and to copy records pertaining to this Part, the pretreatment program, RCRA, and waste disposal, inspect any monitoring equipment or method required pursuant to this Part and sample and/or analyze any effluent which the owner or operator of such discharge source is required to sample and/or analyze under this Part and any ordinance adopted pursuant thereto.

(3) During such on-site inspections, to carry out all inspections, surveillance, and monitoring procedures necessary to determine, independent of information supplied by any person discharging into the facilities, compliance or noncompliance with City pretreatment requirements.

B. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City will be permitted to enter without delay for the purposes of performing specific responsibilities. The user may provide an escort for the City at his or her discretion.

C. The City shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the user's operations.

D. The City may require the user to install at his or her own cost monitoring or metering equipment as necessary to facilitate the accurate observation, sampling, and measurements of the waste-water discharge. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated semi-annually or at a frequency recommended by the manufacturer, to ensure their accuracy. The monitoring and metering equipment shall be located and maintained on the user's premises. When such a location would be impractical or cause undue hardship to the user, the City may allow such facility to be constructed in the public street or sidewalk area, with

the approval of the public agency having jurisdiction over such street or sidewalk, and located so the discharge will not be obstructed by public utilities, landscaping, or parked vehicles.

E. When more than one user discharges into a common sewer, the City may require installation of separating monitoring and metering equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the City may require that separate monitoring and metering facilities be installed for each separate discharge.

F. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with City ordinances and any applicable construction standards required by the City or by local, State or Federal law.

G. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the user.

H. Unreasonable delays in allowing the City to the user's premises shall be a violation of this Part.

I. The City shall comply with the user's reasonable health and safety policies, including the use of personal protective equipment.

(*Ord. 1073*, 11/8/2007, §7.1)

§18-450. Search Warrants.

If the City has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this Part, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Part or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the City may seek issuance of a search warrant from the Court of Common Pleas of Berks County, Pennsylvania.

(*Ord. 1073*, 11/8/2007, §7.2)

§18-451. User Documentation.

The City may, by ordinance, order, permit, or letter, require any person who discharges into the facilities to:

A. Establish and maintain records.

B. Make reports.

C. Install, calibrate, use and maintain monitoring equipment or methods (including where appropriate, biological monitoring methods).

D. Sample and/or analyze discharges and effluent (in accordance with the method, at the locations, at the intervals, and in the manner as the City shall prescribe).

E. Provide other information relating to discharges into the facilities of the

project as the City may reasonably require to ensure compliance with prescribed pretreatment. Such information shall include, but not be limited to, those records, reports and procedures required by applicable State and Federal law.

(*Ord. 1073*, 11/8/2007, §7.3)

H. Confidential Information

§18-452. Confidential Information.

1. The EPA regulations, 40 CFR §§2.201 through 2.302, addressing confidential business information are hereby incorporated by reference. All City employees and City agents are bound by these requirements.

2. Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the City's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other effluent data as defined by 40 CFR §2.302 will not be recognized as confidential information and will be available to the public without restriction.

(*Ord. 1073*, 11/8/2007)

I. Publication of Users in Significant Noncompliance

§18-453. Publication of Users in Significant Noncompliance.

The City shall publish at least annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. The term significant noncompliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of wastewater measurements taken during a 6-month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount.

B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of wastewater measurements taken for each pollutant parameter during a 6-month period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH).

C. Any other discharge violation that has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public.

D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the City's exercise of its emergency authority to halt or prevent such a discharge.

E. Failure to meet, within 90 days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance.

F. Failure to provide within 30 days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules.

G. Failure to accurately report noncompliance, including failure to report and resample in accordance with §18-441.

H. Any other violation(s) which the City determines will adversely affect the operation or implementation of the local pretreatment program.

(*Ord. 1073*, 11/8/2007)

J. Administrative Enforcement Remedies

§18-454. Notification of Violation.

When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may serve upon that user a written notice of violation. Within 30 days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the notice of violation. Nothing in this Section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

(*Ord. 1073*, 11/8/2007, §10.1)

§18-455. Consent Orders.

The City may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to §§18-457 and 18-458 of this Part and shall be judicially enforceable.

(*Ord. 1073*, 11/8/2007, §10.2)

§18-456. Show Cause Hearing.

The City may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the City and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least 10 days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

(*Ord. 1073*, 11/8/2007, §10.3)

§18-457. Compliance Orders.

When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders

also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement, nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(*Ord. 1073*, 11/8/2007, §10.4)

§18-458. Cease and Desist Orders.

1. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:

A. Immediately comply with all requirements.

B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

2. Issuance of a cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the user.

(*Ord. 1073*, 11/8/2007, §10.5)

§18-459. Administrative Civil Penalties.

1. When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the City may fine such user in an amount not to exceed $25,000 per day for each violation regardless of jurisdictional boundaries. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines may be assessed for each day during the period of violation. The foregoing administrative civil penalties shall be enforced in accordance with the provisions of §§18-463 and 18-471 of this Part.

2. Unpaid charges, fines, and penalties shall, after 60 calendar days, be assessed a late charge of 10% APR. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

3. Users desiring to dispute such fines must file a written request for the City to reconsider the fine along with full payment of the fine amount within 30 days of being notified of the fine. Where a request has merit, the City may convene a hearing on the matter. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The City may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

4. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

(*Ord. 1073*, 11/8/2007, §10.6)

§18-460. Emergency Suspensions.

1. The City may immediately suspend a user's discharge, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The City may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. hr the event of a user's failure to immediately comply voluntarily with the suspension order, the City may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The City may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the City that the period of endangerment has passed, unless the termination proceedings in §18-461 of this Part are initiated against the user.

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the City prior to the date of any show cause or termination hearing under §18-456 or §18-461 of this Part.

2. Nothing in this Section shall be interpreted as requiring a hearing prior to any emergency suspension under this Section.

(*Ord. 1073*, 11/8/2007, §10.7)

§18-461. Termination of Discharge.

1. In addition to the provisions in §18-430 of this Part, any user who violates the following conditions is subject to discharge termination:

A. Violation of wastewater discharge permit conditions.

B. Failure to accurately report the wastewater constituents and characteristics of its discharge.

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.

D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

E. Violation of the pretreatment standards in Part 1B.

2. Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under §18-456 of this Part why the proposed action should not be taken. Exercise of this option by the City shall not be a bar to, or a prerequisite for, taking any other action against the user.

(*Ord. 1073*, 11/8/2007, §10.8)

K. Judicial Enforcement Remedies

§18-462. Injunctive Relief.

When the City finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the City may petition the Court of Common Pleas of Berks County, Pennsylvania, through the City's Attorney for appropriate legal and equitable relief for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Part on activities of the user. The City may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

(*Ord. 1073*, 11/8/2007, §11.1)

§18-463. Civil Penalties.

1. A user who has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of $25,000 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

2. The City may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

3. In determining the amount of civil liability, there shall be taken into account all relevant circumstances including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

4. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

(*Ord. 1073*, 11/8/2007, §11.2)

§18-464. Criminal Prosecution.

A user who willfully or negligently violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, or any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan, or other document filed, or required to be maintained pursuant to this Part, a wastewater discharge permit or order issued under this Part or who falsifies, tampers with or knowingly renders inaccurate any monitoring device of method required under this Part, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 Pa.C.S.A. §101 *et seq*.

(*Ord. 1073*, 11/8/2007, §11.3)

§18-465. Remedies Nonexclusive.

The remedies provided for in this Part are not exclusive. The City may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the City may take other action against any user when the circumstances warrant. Further, the City is empowered to take more than one enforcement action against any noncompliant user.

(*Ord. 1073*, 11/8/2007, §11.4)

L. Supplemental Enforcement Action

§18-466. Performance Bonds.

The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance.

(*Ord. 1073*, 11/8/2007, §12.1)

§18-467. Liability Insurance.

The City may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Part, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(*Ord. 1073*, 11/8/2007, §12.2)

§18-468. Public Nuisances.

A violation of any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement is hereby declared a public nuisance and shall be corrected or abated as directed by the City. Any person(s) creating a public nuisance shall be subject to the provisions of the City Code governing such nuisances, including reimbursing the City for any costs incurred in removing, abating, or remedying said nuisance.

(*Ord. 1073*, 11/8/2007, §12.3)

§18-469. Falsifying Information.

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Part, or wastewater discharge permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part, is subject to prosecution in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa.C.S.A. §4901 *et seq*.

(*Ord. 1073*, 11/8/2007, §12.4)

§18-470. Contractor Listing.

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the City.

(*Ord. 1073*, 11/8/2007, §12.5)

§18-471. Assessment of Civil Penalties.

1. Pursuant to provision of the Pennsylvania Penalty Bill, Act 9 of 1992, 35 P.S. §752.1 *et seq*., providing for enhanced penalty authority for publicly owned treatment works which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the City, as the operator of a publicly owned treatment works, may assess a civil penalty upon an industrial user for violation of any of the terms and provisions of this Part. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed $25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

2. As part of any notice of assessment of civil penalties issued by the City to an industrial user, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the City.

3. For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The City may, however, recover its costs for reestablishing the operation of the treatment works in addition to any civil penalty imposed under this Section.

4. The City shall publicly adopt a formal, written civil penalty assessment policy (in its enforcement response plan) and make it publicly available. Each industrial discharger participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:

A. Damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses.

B. Costs of restoration and abatement.

C. Savings resulting to the person in consequence of the violation.

D. History of past violations.

E. Deterrence of future violations.

F. Other relevant factors.

5. *Uses of Penalties*. All civil penalties collected pursuant to this Section shall be placed by the City in a restricted account and shall only be used by the City and the publicly owned treatment works for the following uses:

A. The repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed.

B. Pay any penalties imposed on the City or the publicly owned treatment works by the Federal or State government for violation of pretreatment standards.

C. For the costs incurred by the City or publicly owned treatment works to investigate and take the enforcement action that resulted in a penalty being imposed.

D. For the monitoring of discharges in the pretreatment program and for

capital improvements to the treatment works, including sewage collection lines, which may be required by the pretreatment program.

E. Any remaining funds may be used for capital improvements to the treatment works, including collection lines.

6. *Injunctive Relief*. The City shall have the power to obtain injunctive relief to enforce compliance with or restrain any violation of any pretreatment requirement or standard pursuant to and in accordance with the provisions of Pennsylvania Penalty Bill, Act 9 of 1992, 40 CFR §403.8(f)(1)(vi)(A) and any other applicable statute and/or common law. Injunctive relief shall be available upon the showing of one or more of the following:

A. A discharge from an industrial user presents an imminent danger or substantial harm to the POTW or the public.

B. A discharge from an industrial user presents an imminent or substantial endangerment to the environment.

C. A discharge from an industrial user causes the POTW to violate any condition of its discharge permit.

D. The industrial user has shown a lack of ability or intention to comply with a pretreatment standard.

Notwithstanding the preceding subsection, an injunction affecting an industrial operation not directly related to the condition or violation in question, may be issued if the Court determines that other enforcement procedures would not be adequate to affect prompt correction of the condition or violation. In addition to an injunction, the Court in any such proceedings may levy civil penalties in accordance with Act 9 of 1992, 35 P.S. §752.1 *et seq*., and this Part.

7. *Appeal*. An industrial user assessed with a civil penalty under the terms of this Section shall have 30 days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within 30 days pursuant to 2 Pa.C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

8. The penalty authorized in this Section is intended to be concurrent and cumulative, and the provisions of this Section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to a person, the City, Authority, or the Commonwealth of Pennsylvania.

9. Such penalty assessments may be added to the user's next scheduled sewer service or sewer surcharge bill.

(*Ord. 1073*, 11/8/2007, §12.6)

§18-472. Administrative Hearings/Appeals.

1. *Right to Appeal*. Any person or user aggrieved by any order, assessment of penalty, issuance of permit or denial of permit may appeal said order, assessment, issuance of permit or denial of permit after service of the same by the City.

2. *Right to Hearing*. Any order, assessment of penalty, issuance of permit or

denial of permit shall inform the user that a written request for an appeal on the alleged violations, order, issuance of permit or denial of permit, and/or penalty must be filed within 30 days after service of the notice to preserve the user's right to hearing. The notice will be deemed properly served upon the user if a copy is served upon him or her personally, or sent by registered or certified mail to his or her last known address, or if he or she is served with notice by an other method of service now or hereafter authorized in civil actions under the laws of the State. In an emergency situation, if written request for an appeal/hearing is not made by the user within 30 days of the service of notice, the user will be foreclosed from hearing regarding any penalty assessed. In a nonemergency situation if written request for a hearing is not made by the user within 30 days of the service of notice, the user will be foreclosed from hearing regarding any order, assessment of penalty, issuance of permit or denial of permit.

3. *Appeal Process, Hearing Request and Conference Option*.

A. As stated immediately above, written request for appeal/hearing must be filed with the Director of Public Works within 30 days from the date that the City took the action which is the subject of the manner of the appeal to preserve the user's rights.

B. All appeals shall contain the following information:

(1) The name, address and telephone number of the applicant.

(2) The date on which the City took the action which is the subject matter of the appeal.

(3) The reason(s) for such appeal, and a specification of objections setting forth the manner in which the appellant is aggrieved and the relevant issues to be resolved by the Hearing Board.

(4) A statement detailing the relief demanded by the appellant.

C. A true and correct copy of the written appeal shall be served on a City Solicitor personally or by registered or certified mail within 48 hours after the appeal is filed.

D. *Conference Option*. At the time an appeal is requested, the user may also request a conference with the City prior to the scheduling of an administrative hearing. Said conference will include appropriate members of the City staff and its agents. Violations and penalties will be explained and discussed. Electing this option does not foreclose and/or affect the user's right to hearing provided that the written request for hearing was filed within 30 days of service as noted above. The purpose of this option is to provide the user with an informal forum within which to discuss the alleged violations and to expedite conclusion and/or resolution of outstanding enforcement actions. If resolution is not reached within 90 days from the date of the scheduled conference the City shall schedule the matter for formal hearing. In any event either party may request a formal hearing at any point during the conference proceedings.

E. *Hearing Protocol*.

(1) Upon receipt of the appeal the Hearing Board shall schedule a hearing for the appellant and give the latter written notice of the time, date and place of such hearing. A hearing will not be held if waived by the appellant or if the

parties stipulate all of the essential facts or agree to submit direct or rebuttal testimony or documentary evidence in affidavit form, sworn or affirmed on personal knowledge, or by deposition.

(2) Written briefs of the parties or their counsel may be filed with the Hearing Board and served on the opposing party, within 5 days after the hearing and prior to any adjudication.

(3) At any hearing, parties shall have the right of presentation of evidence, cross-examination, objection, motion and argument. The Hearing Board shall not be bound by technical rules of evidence but all relevant and material evidence of reasonable probative value shall be admissible. All witnesses shall be sworn or shall affirm.

(4) The Hearing Board shall not be required to maintain a verbatim transcript of the hearings.

(5) At the conclusion of the proceedings, and after consideration of the evidence and briefs of the parties, if any, the Hearing Board shall issue an adjudication which shall contain findings of facts and conclusions of law, and, if appropriate, an order. A written copy of such adjudication shall be mailed to each party.

(6) The decision and adjudication of the Hearing Board shall be final and binding upon the parties subject to any further right of appeal which may be provided by law.

(7) Failure to perfect an appeal in the manner and form required by this Section shall be sufficient for dismissing the appeal.

(8) The action of the City shall be final as to any person who fails to file an appeal or to perfect an appeal pursuant to this Section.

4. *Hearing Board*.

A. An Industrial Hearing Board shall be appointed by the Mayor with the advice and consent of Council for resolution of differences between the City and any aggrieved party of any improved property on matters concerning interpretation and execution of the provisions of this Part by the City and to hear any appeals filed by such aggrieved parties.

No one appointed to the Industrial Board herein, either as a representative at large, legal representative, industrial representative, or registered professional engineer shall have any right or power to sit, vote, act or in any way participate with regard to any appeal of any industry with which it is in any way connected. Board Members shall refrain from taking any such action on any such matter and shall avoid any conflict of interest or appearance of impropriety.

B. One member of the Board shall be a member of the Public Works Department; one member shall be a professional engineer skilled in practice of sanitary engineering; one member shall be a representative of industry or manufacturing enterprise; one member shall be a lawyer; and one member shall be selected at large for his interest in accomplishing the objectives of this Part.

C. The initial appointments to the Board shall be for the following terms:

Public Works Department Representative - 5 years.

Registered Professional Engineer (Sanitary/Environmental/ Civil/Chemical Engineer) - 4 years.

Industrial Representative - 3 years.

Legal Representative - 2 years.

Representative at Large - 1 year.

All succeeding terms shall be for a period of 5 years. The Mayor, with the consent of Council, shall appoint representatives to fill vacancies on the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board.

D. The powers of the Hearing Board shall include, but not be limited to, the following:

(1) To hear appeals from any person aggrieved by the application of this Part including, but not limited to, any order or decision made or issued by the City.

(2) To make rules with regard to conducting its hearings, such rules to be submitted to Council for their advice and consent.

(3) To make such findings of fact as may be required by the application this Part L.

(4) To decide questions presented.

E. Any party aggrieved by any decision of said Hearing Board shall have the right to file an appeal under the Local Agency Law to the Court of Common Pleas of the County of Berks within 30 days of said decision; however, said appeal shall not act as a supersedes of any final order.

(*Ord. 1073*, 11/8/2007, §12.7)

§18-473. Petitions for Declaratory Rulings.

Any person affected by any statutory provision administered by the City or affected by any rule or order of the City may, in accordance with State law and this Part petition the City for a declaratory ruling as to the applicability of such statute, rule or order. The petition shall clearly and concisely identify:

A. The precise statute, rule or order under which a declaratory ruling is sought.

B. How the petitioner is affected by the statute, rule or order.

C. The petitioner's position on how the applicable statue, rule or order should be interpreted, including citations to any applicable documents or law that support the petitioner's position.

(*Ord. 1073*, 11/8/2007, §12.8)

§18-474. Costs.

In addition to such administrative, civil, or criminal fines as may be imposed, any user who violates any provisions of this Part or any condition of a permit, or plan approval related thereof, shall be financially responsible and liable to the City in addition to normal service charges and surcharges for industrial investigation and

monitoring of compliance with this Part including, but not limited to, the following:

A. Cost of mileage, labor and materials incurred in detecting and correcting the violation.

B. Laboratory analysis costs associated with detecting and correcting the violation.

C. Additional treatment costs caused by the violation or association with detecting and correcting the violation.

D. Costs of any additional equipment acquired or expended by the City for detecting or correcting the violation.

E. Repair and/or replacement of any part of the facility damaged by the violation.

F. Any liability, damages, fines or penalties incurred by the City as a result of the violation.

G. Costs incurred in enforcing compliance, including prosecution and/or settlement of outstanding violations.

H. Other costs as are associated with the prosecution, negotiation and/or settlement of a violation.

(*Ord. 1073*, 11/8/2007, §1209)

§18-475. Denial of Access.

If the City or its duly authorized employees and agents, upon presenting identification and appropriate credentials, are denied access to carry out inspection, surveillance, and monitoring procedures as described in this Part, the City may immediately institute civil proceedings, including proceedings for necessary injunctive relief, or criminal proceedings.

(*Ord. 1073*, 11/8/2007, §1210)

§18-476. Inspection of Connections.

If any person shall construct, install, alter or repair any sewer or connect to any sewer in violation of the requirements of this Part the City may, in its discretion, order or direct such person to uncover and fully expose any or all portions of such sewer or connection and afford the City and its representatives adequate opportunity for examination and inspection of the work. If the connection and appurtenances thereto shall be found not to be in full accord with the requirements of this Part and the standards established and address its provisions, then the City may serve the offender with a written notice as provided in Part 1J.

(*Ord. 1073*, 11/8/2007, §1211)

M. Affirmative Defenses to Discharge Violations

§18-477. Upset.

1. For the purposes of this Section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

2. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of subsection .3, below, are met.

3. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

A. An upset occurred and the user can identify the cause(s) of the upset.

B. The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

C. The user has submitted the following information to the City within 24 hours of becoming aware of the upset. A written submission must be provided within 5 days:

(1) A description of the indirect discharge and cause of noncompliance.

(2) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue.

(3) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

4. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

5. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

6. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

(*Ord. 1073*, 11/8/2007, §13.1)

§18-478. Prohibited Discharge Standards.

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in §18-405.1 of this Part or the specific prohibitions in §18-405.2 of this Part except §18-405.2.A, .B, .C, .H, .S, .T, .U, and .V if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through

or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference.

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

(*Ord. 1073*, 11/8/2007, §13.2)

§18-479. Bypass.

1. For the purposes of this Section.

A. "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

B. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

2. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of subsections .3 and .4 of this Section.

3. A. If a user knows in advance of the need for a bypass, it shall submit prior notice to the City, at least 10 days before the date of the bypass, if possible.

B. A user shall submit oral notice to the City of an unanticipated bypass that exceeds applicable pretreatment standards within 24 hours from the time it becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The City may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

4. A. Bypass is prohibited, and the City may take an enforcement action against a user for a bypass, unless.

(1) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.

(2) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.

(3) The user submitted notices as required under subsection .3 of this

Section.

B. The City may approve an anticipated bypass, after considering its adverse effects, if the City determines that it will meet the three conditions listed in subsection .4.A of this Section.

(*Ord. 1073*, 11/8/2007, §13.3)

N. Wastewater Treatment Rates

§18-480. Surcharge Rate.

1. *Purpose*. Nothing contained in this Section shall be construed as prohibiting any special agreement or arrangement between the City and any person or municipality whereby industrial waste of unusual strength or character may be admitted into the sewerage system by the City; provided, that such agreement does not violate any National Pretreatment Standards or local limits, and subject to payment of a surcharge therefore by such person or municipality or by proper and continuous pretreatment prior to discharge into the sewerage system. The surcharge shall be based on present invested costs and operating costs. The City may impose mass limitation, concentration limits based on mass proportion or selected industrial reductions methods in allocating the maximum pollutant loading to the wastewater treatment plant. In accordance with §18-407, changes to local limits must be submitted to the approval authority for approval.

2. *Additional Charges for Strong Wastes*. There shall be additional charges for nondomestic wastes, discharged to the POTW from any industry, business or commercial enterprise and having BOD_5, TSS, and/or NH_3-N in excess of the average BOD_5, TSS, and/or NH_3-N of normal domestic sewage. Normal domestic sewage shall be defined as having the following concentrations:

A. BOD_5 - 300 mg/L.

B. TSS - 325 mg/L.

C. NH_3-N - 20 mg/L.

There shall be no strong waste surcharges applied to residential domestic wastes.

3. *Surcharge Formula*. In order to determine the additional charge for non-domestic wastes with strength greater than that of normal domestic sewage, the following formula shall be used:

$$Q = 0.00834\ QI\left[\left(BOD_5 - 300\right) TA + (TSSI - 325)\ TB + \left(NH_3 - NI - 20\right) TC\right]$$

Where:

SQ is the quarterly surcharge to be added to the quarterly sewer rental charge.

0.00834 is a constant to convert waste strength expressed in mg/L to thousand pounds of waste.

QI is the quarterly volume of nondomestic wastewater flow expressed in millions of gallons.

BOD_5 is the 5-day biochemical oxygen demand of the nondomestic wastewater expressed in mg/L.

TSSI is the total suspended solids in mg/L of the nondomestic wastewater.

NH_3-NI is the ammonia, expressed as nitrogen in mg/L of the nondomestic wastewater.

300, 325 and 20 are constants expressing wasteload strength of domestic waste in mg/L for the respective pollutant parameters. TA represents the cost incurred

by the City in treating 1,000 pounds of BOD_5. TB represents the cost of treating 1,000 pounds of total suspended solids. TC represents the cost incurred by the City in treating 1,000 pounds of ammonia. TA, TB and TC vary each year as treatment plant operation and maintenance costs change. Therefore, TA and TB and TC shall be determined at the beginning of each calendar year by the City based upon budgeted operating costs, and adopted by resolution by the City.

When a value of BOD_5 and/or total suspended solids and/or ammonia of a nondomestic waste is less than 300, 325, and 20 mg/L respectively, the value of 300, 325, and 20 mg/L respectively shall be used in the calculation of the strong waste discharge in place of the actual value which is less than 300, 325, and 20 mg/L, respectively.

(*Ord. 1073*, 11/8/2007, §14.1)

§18-481. Septage Rates.

1. Septage haulers or any other person disposing of sanitary or other waste into the sewage system of the City at designated points as herein provided shall pay a dumping fee to include the following charges:

A. Testing fee for each and every delivery to the City of Reading's wastewater treatment system.

B. Per gallon treatment charge based on the rated capacity of the waste delivery vehicle.

C. Per gallon surcharge based on the rate capacity of the waste delivery vehicle as payment for excessive BOD_5, total suspended solids, and total dissolved solids common to septic waste.

2. The rates shall be revised annually at the beginning of each year by the City through resolution.

(*Ord. 1073*, 11/8/2007, §14.2)

O. Fees

§18-482. Purpose.

It is the purpose of this Part to provide for the recovery of costs from users of the City's wastewater disposal system for the implementation of the program established herein. The applicable charges or fees shall be set forth in the City's schedule of charges and fees.

(*Ord. 1073*, 11/8/2007, §15.1)

§18-483. Charges and Fees.

The City may adopt charges and fees which may include:

A. Fees for reimbursement of costs of setting up and operating the City's pretreatment program.

B. Fees for 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 administrative hearing.

G. Other fees as the City may deem necessary to carry out the requirements contained herein.

H. Fees for removal of pollutants otherwise subject to the Federal pretreatment standards.

I. Fees for treatment of extra strength wastewater including extra fees for the treatment of industrial waste containing toxic waste and pollutants.

(*Ord. 1073*, 11/8/2007, §15.2)

§18-484. Application/Sampling/Analysis.

1. The fee schedule applicable to filing permit applications and sampling/analysis of wastewater by the City shall be as follows:

A. $500 - fee to accompany each initial industrial waste discharge permit application for categorical industries - each site.

B. $250 - fee to accompany each reapplication or revision to and industrial waste discharge permit for categorical industries - each site.

C. $100 - fee to accompany each initial industry's waste discharge permit application for noncategorical industries - each site.

D. $50 - fee to accompany each reapplication or revisions to an industrial waste discharge permit for noncategorical industries - each site.

E. $300 - charge for each scheduled or industry requested sampling and analysis and/or inspection - minimum per site.

F. $300 - charge for industries requiring sampling of multiple discharge points; $250 for each additional sampling over one.

G. $300 - charge for unscheduled sampling and analysis where industrial

pollutants found in wastewater exceed permit limits plus out of pocket expenses for additional testing and related costs.

Note: Nothing shall prevent the EPA, PaDEP, or the City of Reading from imposing other fees, penalties or damages where wastewater discharged to the City's treatment works exceeds permit limits.

2. The fees and charges established by this Part shall apply to all industries within the City of Reading sewage service area that discharge industrial waste to the City's Fritz Island Wastewater Treatment Plant.

3. These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the City.

(*Ord. 1073*, 11/8/2007, §15.3)

§18-485. Fee Collection.

1. Registered bills will be mailed quarterly. Bills must be paid within 30 days of receipt. A late charge of 10% APR will be applied to all Bills paid after the due date.

2. Sixty days after receipt, all unpaid bills, exempting cases where a repayment schedule has been approved by the City, will be subject to civil and/or criminal action(s) with all applicable charges and fees incurred by the City being applied to the debt.

3. A list of all bills unpaid after 60 days, not including cases where other repayment arrangements have been approved by the City, may be published at least semi-annually in the largest daily newspaper published in the municipality where the POTW is located.

(*Ord. 1073*, 11/8/2007, §15.4)

P. Septage Discharge Permit System

§18-486. Septage Permitting System.

Licensed septage and holding tank haulers shall obtain a valid permit from the City and comply with all the conditions of this permit and this Part. The septage hauler permit shall be valid for 1 year with renewal January first of each fiscal year. The permit may be suspended or revoked according to the policies outlined in §18-430 of this Part. Haulers shall apply for this permit on forms provided by the City and shall submit, together with the permit fee, an application containing the following information:

A. Name, company name, address, telephone number.

B. Vehicle identification, make, and capacity.

C. Copy of septage hauler's license.

D. Any additional information requested by the City.

E. Signed and notarized statement certifying that the information presented in the application is correct.

F. Performance bond.

(*Ord. 1073*, 11/8/2007, §16.1)

§18-487. Septage/Waste Disposal.

1. Septic tank and holding tank waste may be introduced into the POTW only at locations designated by the City, and at such times as are established by the City. Such waste shall not violate Part 1B or any other requirements established by the City. Septic tank waste haulers will be required to obtain a hauler's permit and may be required to obtain a wastewater discharge permit.

2. The City shall require haulers of industrial waste to obtain wastewater discharge permits. The City may require generators of hauled industrial waste to obtain wastewater discharge permits. The City also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Part. Gallonage and hours for delivery of waste may be reduced, extended, increased, or otherwise changed or altered by and at the discretion of the City. City personnel may require that the load be dumped over a period of a one-half or more, depending upon the flow and characteristics of the incoming sewage at the City's treatment plant.

3. Industrial waste haulers may discharge loads only at locations designated by the City. No load may be discharged without prior consent of the City. The City may collect samples of each hauled load to ensure compliance with applicable standards. The City may require the industrial waste hauler to provide a waste analysis of any load prior to discharge.

4. Industrial waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

The City reserves the right to prohibit the discharge of hauled industrial waste.

5. Each waste hauler shall furnish the following items to the City personnel upon arrival at the septage receiving facility:

A. Load manifest form (provided by the City) which states the hauling company, hauler name, vehicle license number, quantity and source (owner and address) of the septage, probable content of the septage, and a certification statement signed by the hauler and generator, attesting to the accuracy of the information provided on the load manifest form.

B. Previously purchased load ticket(s) corresponding to the capacity of the truck.

C. Grab samples of the septage taken by the waste hauler under supervision by the City. The City reserves the right to refuse to accept any load that is suspected of being or has been determined through sampling and analysis to be detrimental to the operations of the plant, the safety of its workers, or to the health or welfare of the public.

6. The hauler shall keep a copy of his/her official permit in the truck, and display the City issued permit sticker on the windshield.

7. The hauler shall display his tank capacity on the truck.

(*Ord. 1073*, 11/8/2007, §16.2)

§18-488. Septage Prohibitions.

1. Septage haulers shall not discharge specifically prohibited waters, wastewaters, or substances to the City facilities in accordance with Part 1B.

2. No grease trap wastes may be discharged.

(*Ord. 1073*, 11/8/2007, §16.3)

§18-489. Septage Records.

Vehicles shall be maintained and records shall be kept in accordance with State law.

(*Ord. 1073*, 11/8/2007, §16.4)

§18-490. Compliance Required.

No statement contained in this Section shall exempt the hauler from complying with all Federal, State or local requirements.

(*Ord. 1073*, 11/8/2007, §16.5)

Q. Interference with City Property

§18-491. Interference with City Property.

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any City owned structure, appurtenance or equipment. No person shall dump garbage, fill, refuse or other materials on land easements, rights-of-way, or other structures, including manholes, which are part of the wastewater facilities. Persons initiating construction activities that may alter City structures must be permitted pursuant to the requirements outlined in this Part. Persons causing such interference shall be billed by the City for any actual damages, the cost of correcting the interference and may be subject to civil and/or criminal penalties to this Part.

(*Ord. 1073*, 11/8/2007, §17)