

Article II — Definitions

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Article II — Definitions

§ 65-201 In General.

Unless the context specifically and clearly indicates otherwise, the meaning of terms and phrases used in this Chapter shall be as provided in this Article II, whether with or without initial capital letters.

§ 65-202 Allentown Agreements.

The term “Allentown Agreements” means the Agreement, dated December 22, 1969, between the City, as party of the first part, and the County Authority, as party of the second part, including any amendments and/or supplements at any time constituting a part of said agreement.

§ 65-203 Allentown Authority.

The term “Allentown Authority” means Allentown Authority, a Pennsylvania municipality authority.

§ 65-204 Approval Authority.

The term “Approval Authority” means the Regional Administrator of EPA, Region III.

§ 65-205 Authority.

The term “Authority” means Borough of Alburtis Sewer Authority, a Pennsylvania municipality authority, acting by and through its Board or, in appropriate cases, acting by and through its authorized representatives.

§ 65-206 Authorized Representative of the User.

The term “Authorized Representative of the User” means—

(a) If the User is a corporation:

(1) 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; or

(2) The manager of one or more manufacturing, production, or operating facilities, *provided* the manager is authorized to make management decisions that govern the operation of the regulated facility, including having the explicit or implicit duty of making major capital in-

vestment recommendations and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for Wastewater Discharge Permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(c) If the User is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the governmental facility, or their designee.

(d) The individuals described in subsections (a) through (c) above may designate another Authorized Representative of the User if the authorization is in writing, the authorization 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 for the company, and the written authorization is submitted to the Borough and the City.

(e) If the designation of an Authorized Representative of the User is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or the overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Borough and the City prior to or together with any reports or certifications required to be signed by an Authorized Representative of the User.

§ 65-206.1 Best Management Practices or BMPs.

The term “Best Management Practices” or “BMPs” means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions in § 65-601(b) and (c) (40 CFR 403.5(a)(1) and (b)). BMPs include treatment requirements, operating procedures, management plans, and practices to control the discharge of Pollutants.

§ 65-207 Billing Unit.

The term “Billing Unit” means and includes, as applicable, each of the following: a Commercial Establishment, a Dwelling Unit, an Industrial Establishment, and an Institutional Establishment.

§ 65-208 Biochemical Oxygen Demand or BOD.

The term “Biochemical Oxygen Demand” or “BOD” means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees Centigrade (20° C.), usually expressed as a concentration (*e.g.*, mg/L).

§ 65-209 Borough.

The term “Borough” means the Borough of Alburtis, Lehigh County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representatives.

§ 65-210 Building Sewer.

The term “Building Sewer” means the extension from the sewage drainage system of any structure to the Lateral of a Sewer.

§ 65-210.1 Categorical Industrial User.

The term “Categorical Industrial User” means an Industrial User subject to a Categorical Pretreatment Standard or Categorical Standard.

§ 65-211 Categorical Pretreatment Standard or Categorical Standard.

The term “Categorical Pretreatment Standard” or “Categorical Standard” means any regulation containing Pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Clean Water Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.

§ 65-212 CFR.

The term “CFR” means Code of Federal Regulations.

§ 65-212.1 Chemical Oxygen Demand or COD.

The term “Chemical Oxygen Demand” or “COD” means a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

§ 65-213 City.

The term “City” means the City of Allentown, Lehigh County, Pennsylvania, or the City Council of Allentown.

§ 65-213.1 City Director of Public Works.

The term “City Director of Public Works” means the person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by the City’s Sewage and Industrial Wastes Ordinance, City Ordinances Article 941. The term also includes a duly authorized representative of the City Director of Public Works. Except as specifically provided in this Chapter or in the City’s Sewage and Industrial Wastes Ordinance, any powers granted to or duties imposed upon the City Director of Public Works shall be delegated by the City Director of Public Works to the County Authority as concessionaire under the Allentown Water and Sewer Utility System Concession and Lease Agreement between the City and the County Authority signed August 7, 2013.

§ 65-214 Clean Water Act.

The term “Clean Water Act” means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. § 1251 *et seq.*

§ 65-215 [RESERVED]**§ 65-216 Commercial Establishment.**

The term “Commercial Establishment” means any room, group of rooms, building or enclosure used or intended for use in the operation of one (1) business enterprise for the sale and distribution of any product, commodity, article, or service, or used or intended for use for any social, amusement, religious, educational, charitable, or public purpose, and containing plumbing facilities for kitchen, toilet, or washing facilities.

§ 65-217 County.

The term “County” means the County of Lehigh, Pennsylvania.

§ 65-218 County Authority.

The term “County Authority” means Lehigh County Authority, a Pennsylvania municipality authority.

§ 65-218.1 Daily Maximum.

The term “Daily Maximum” means the arithmetic average of all effluent samples for a Pollutant collected during a calendar day.

§ 65-218.2 Daily Maximum Limit.

The term “Daily Maximum Limit” means the maximum allowable Discharge limit of a Pollutant during a calendar day. Where Daily Maximum Limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where Daily Maximum Limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the Pollutant concentration derived from all measurements taken that day.

§ 65-219 Dwelling Unit.

The term “Dwelling Unit” means any room, group of rooms, building, or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone.

§ 65-220 Environmental Protection Agency or EPA.

The term “Environmental Protection Agency” or “EPA” means the U.S. Environmental Protection Agency, or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.

§ 65-221 Existing Source.

The term “Existing Source” means any source of Discharge that is not a New Source.

§ 65-222 Garbage.

The term “Garbage” means solid wastes resulting from preparation, cooking, and dispensing of food and from handling, storage, and sale of produce.

§ 65-223 gpd.

The term “gpd” means gallons per day.

§ 65-224 Grab Sample.

The term “Grab Sample” means a sample which is taken from a waste stream without regard to flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

§ 65-225 Improved Property.

The term “Improved Property” means any property located within this Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

§ 65-226 Indirect Discharge or Discharge.

The term “Indirect Discharge” or “Discharge” means the introduction of Pollutants into the POTW from any nondomestic source.

§ 65-227 Industrial Establishment.

The term “Industrial Establishment” means any room, group of rooms, building, or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for the manufacturing, fabricating, processing, cleaning, laundering, or assembling of any product, commodity, or article or from which any process waste, as distinct from Sanitary Sewage, shall be discharged.

§ 65-227.1 Industrial User.

See § 65-269.

§ 65-227.2 Industrial Waste Manager.

The term “Industrial Waste Manager” means the City Director of Public Works or a person designated by the City Director of Public Works who is charged with certain duties and responsibilities under the City’s Sewage and Industrial Wastes Ordinance, City Ordinances Article 941

§ 65-228 Industrial Wastes.

The term “Industrial Wastes” means any solid, liquid, or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade, or business process or in the course of the development, recovery, or processing of natural resources, as distinct from Sanitary Sewage.

§ 65-229 Instantaneous Limit.

The term “Instantaneous Limit” means 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.

§ 65-230 Institutional Establishment.

The term “Institutional Establishment” means any room, group of rooms, building, or other enclosure which does not constitute a Commercial Establishment, a Dwelling Unit, or an Industrial Establishment.

§ 65-231 Interceptor System.

The term “Interceptor System” means a system of interceptor sewers acquired and constructed by the County Authority and leased to the County for use and operation, to which interceptor system the Sewer System is connected for the purpose of receiving Sewage and wastes collected in the Sewer System and transporting the same to the Sewer System owned by the Allentown Authority and leased to the City for the purpose of further transportation, treatment, and disposal pursuant to the Allentown Agreements.

§ 65-232 Interference.

The term “Interference” means a Discharge, which alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, use, or disposal, and therefore is a cause of a violation of the City’s NPDES permit or of the prevention of Sewage biosolids 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: Section 405 of the Clean Water 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 biosolids 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.

§ 65-233 Lateral.

The term “Lateral” means that part of the Sewer System extending from a Sewer to the curb line or, if there shall be no curblin, to the property line, or if no such Lateral shall be provided, then “Lateral” shall mean that portion of or place in a Sewer which is provided for connection of any Building Sewer.

§ 65-234 Local Limit.

The term “Local Limit” means specific discharge limits developed and enforced by the City or the Borough upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

§ 65-235 Medical Waste.

The term “Medical Waste” means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

§ 65-236 mg/L.

The term “mg/L” means milligrams per liter.

§ 65-236.1 Monthly Average.

The term “Monthly Average” means the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

§ 65-236.2 Monthly Average Limit.

The term “Monthly Average Limit” means the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.

§ 65-237 Multiple Unit.

The term “Multiple Unit” means any Improved Property in which shall be located more than one Billing Unit.

§ 65-238 New Source.

The term “New Source” means—

(a) 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 Section 307(c) of the Clean Water Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, *provided* that:

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

(2) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or

(3) 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.

(b) 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 subsection (a)(2) or (3) above but otherwise alters, replaces, or adds to existing process or production equipment.

(c) Construction of a New Source as defined under this Section has commenced if the owner or operator has:

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

(A) any placement, assembly, or installation of facilities or equipment; or

(B) 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; or

(2) 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 paragraph (2).

§ 65-239 NPDES.

The term “NPDES” means National Pollutant Discharge Elimination System.

§ 65-240 Noncontact Cooling Water.

The term “Noncontact Cooling Water” means water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

§ 65-240.1 Non-Significant Categorical Industrial User or NSCIU.

The term “Non-Significant Categorical Industrial User” or “NSCIU” means an Industrial User which is not considered a Significant Industrial User under § 65-260.

§ 65-240.2 North American Industry Classification System or NAICS.

The term “North American Industrial Classification System” or “NAICS” means a classification pursuant to the *North American Industry Classification System Manual* issued by the United States Office of Management and Budget.

§ 65-241 Owner.

The term “Owner” means any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

§ 65-242 Pass Through.

The term “Pass Through” means a Discharge which exits the POTW into waters of the United States in quantities or concentration 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.

§ 65-243 Person.

The term “Person” means any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, society, trust, estate, governmental entity, or other group or legal entity, or their legal representatives, agents, or assigns, including all federal, state, and local governmental entities.

§ 65-244 pH.

The term “pH” means a measure of the acidity or alkalinity of a solution, expressed in standard units.

§ 65-245 Pollutant.

The term “Pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, Sewage, garbage, sewage biosolids, 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 (including but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

§ 65-246 ppm.

The term “ppm” means parts per million, by weight.

§ 65-247 Pretreatment.

The term “Pretreatment” means 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.

§ 65-248 Pretreatment Requirements.

The term “Pretreatment Requirements” means any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

§ 65-249 Pretreatment Standards or Standards.

The term “Pretreatment Standards” or “Standards” means Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

§ 65-250 Prohibited Discharge Standards or Prohibited Discharges.

The term “Prohibited Discharge Standards” or “Prohibited Discharges” means absolute prohibitions against the discharge of certain substances. These prohibitions appear in § 65-601.

§ 65-251 Properly Chopped Garbage.

The term “Properly Chopped Garbage” means Garbage that has been chopped to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half (1/2) inch in any dimension.

§ 65-252 Publicly Owned Treatment Works or POTW.

The term “Publicly Owned Treatment Works” or “POTW” means a “treatment works” as defined in Section 212 of the Clean Water Act (33 U.S.C. § 1292) which is owned by the City or any municipality which contributes Wastewater to the City’s system. 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” includes, without limitation, the Sewer System, the Interceptor System, and the Wastewater Treatment Plant.

§ 65-253 RCRA.

The term “RCRA” means the Resource Conservation and Recovery Act.

§ 65-254 Sanitary Sewage.

The term “Sanitary Sewage” means the normal water-carried household and toilet wastes from any Improved Property.

§ 65-255 Septic Tank Waste.

The term “Septic Tank Waste” means any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

§ 65-256 Sewage.

The term “Sewage” means human excrement and gray water (household showers, dish-washing operations, etc.).

§ 65-257 Sewage Treatment Plant.

The term “Sewage Treatment Plant” means the plant and facilities owned by Allentown Authority and leased to the City for operation and use for the purpose, *inter alia*, of treatment and disposition of Sanitary Sewage and certain Industrial Wastes which may be collected in the Sewer System and ultimately delivered to said plant and facilities, including all additions thereto.

§ 65-258 Sewer.

The term “Sewer” means any pipe, main, or conduit constituting a part of the Sewer System and used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.

§ 65-259 Sewer System.

The term “Sewer System” means all facilities, as of any particular time, for collecting, transporting, pumping, treating, or disposing of Sanitary Sewage and Industrial Wastes, situate in or adjacent to this Borough, owned by the Authority and leased to this Borough for operation and use.

§ 65-260 Significant Industrial User.

(a) Except as provided in subsections (b) and (c), the term “Significant Industrial User” means—

(1) An Industrial User subject to Categorical Pretreatment Standards; or

(2) An Industrial User that:

(A) Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, Noncontact Cooling Water, and boiler blowdown Wastewater);

(B) Contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or

(C) Is designated as such by the City or the Borough on the basis that it has a reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement.

(b) The Borough and the City may determine that an Industrial User subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day of total categorical Wastewater (excluding sanitary, Noncontact Cooling Water, and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) *and* the following conditions are satisfied:

(1) The Industrial User, prior to the finding of the Borough and the City, has consistently complied with all applicable Categorical Pretreatment Standards and Requirements;

(2) The Industrial User annually submits the certification statement required under § 65-1007(b) (*see* 40 CFR 403.12(q)), together with any additional information necessary to support the certification statement; and

(3) The Industrial User never discharges any untreated concentrated Wastewater.

(c) Upon a finding that a User meeting the criteria in subsection (a)(2) has no reasonable potential for adversely affecting the POTW’s operation or for violating any Pretreatment Standard or Requirement, the Borough and the City may at any time, on their 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.

§ 65-261 Slug Load or Slug Discharge.

The term “Slug Load” or “Slug Discharge” means any Discharge at a flow rate or concentration which could cause a violation of the Prohibited Discharge Standards in § 65-601. A “Slug Discharge” is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW’s regulations, Local Limits, or Permit conditions.

§ 65-262 [RESERVED]**§ 65-263 Storm Water.**

The term “Storm Water” means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

§ 65-264 Suspended Solids, Total Suspended Solids, or TSS.

The term “Suspended Solids,” “Total Suspended Solids,” or “TSS,” means the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater, or other liquids, and which is removable by laboratory filtering.

§ 65-265 Total Kjeldahl Nitrogen or TKN.

The term “Total Kjeldahl Nitrogen” or “TKN” means the sum of free ammonia and of organic nitrogen compounds which are converted to an ammonium sulfate $(\text{NH}_4)_2\text{SO}_4$ under conditions specified by *Standard Methods 20th Edition*, Method 4500, or EPA Method 351.

§ 65-266 Toxic Substance.

The term “Toxic Substance” means any poisonous substance, including copper, cyanide, chromium, beryllium, cadmium, lead, nickel, tin and zinc ions, and any phenolic bodies or radioactive isotopes.

§ 65-267 [RESERVED]**§ 65-268 U.S.C.**

The term “U.S.C.” means United States Code.

§ 65-269 User or Industrial User.

The term “User” or “Industrial User” means a source of Indirect Discharge.

§ 65-270 Wastewater.

The term “Wastewater” means liquid and water-carried Industrial Wastes and Sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

§ 65-271 Wastewater Treatment Plant or Treatment Plant.

The term “Wastewater Treatment Plant” or “Treatment Plant” means that portion of the POTW which is designed to provide treatment of municipal Sewage and Industrial Waste.

§ 65-272 Water System.

The term “Water System” means the facilities owned by any Person and used for the supply of water to the public in the Borough.