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## Article IX — Wastewater Discharge Permits

### § 65-901 Wastewater Analysis.

When requested by the Borough or the City Director of Public Works, a User must submit information on the nature and characteristics of its Wastewater within ninety (90) days of the request. The Borough Engineer and the City Director of Public Works are authorized to prepare a form for this purpose and may periodically require Users to update this information.

[Ords. 415 10-29-2003, 485 08-26-2009]

### § 65-902 Wastewater Discharge Permit Requirement.

#### (a) Users Required to Obtain Permit.

(1) **Significant Industrial Users.** No Significant Industrial User shall discharge Wastewater into the Sewer System or the POTW without first obtaining a Wastewater Discharge Permit from the Borough and the City Director of Public Works, *except* that a Significant Industrial User that has filed a timely application pursuant to subsection (b)(1) may continue to discharge for the time period specified therein.

(2) **Other Users.** The Borough or the City Director of Public Works may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Chapter.

#### (b) Time by Which Permit Is Required.

(1) **Existing Connections.** Any User required to obtain a Wastewater Discharge Permit who was discharging Wastewater into the Sewer System and the POTW prior to the effective date of this Section and who wishes to continue such discharges in the future shall, within ninety (90) days after said date, apply to the Borough and the City Director of Public Works for a Wastewater Discharge Permit in accordance with § 65-903, and shall not cause or allow discharges to the Sewer System or the POTW to continue after one hundred eighty (180) days following the effective date of this Section except in accordance with a Wastewater Discharge Permit issued by the Borough and the City Director of Public Works.

(2) **New Connections.** Any User required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the Sewer System or 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 § 65-903, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

(c) **Violations of Permits.** Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Chapter and subjects the Wastewater Discharge Permittee to the sanctions set out in Articles XII and XIII.

(d) **Other Legal Obligations.** 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 requirement of federal, state, or local law.

[Ords. 415 10-29-2003, 485 08-26-2009, 540 08-09-2017]

## § 65-903 Wastewater Discharge Permit Application.

(a) **Contents of Application.** All Users required to obtain a Wastewater Discharge Permit must submit a permit application. The Borough and the City Director of Public Works may require all Users to submit as part of an application the following information:

(1) **Identifying Information.**

(A) The name and address of the facility, including the name of the operator and owner.

(B) Contact information, description of activities, facilities, and plant production processes on the premises.

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

(3) **Description of Operations.**

(A) A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and NAICS 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.

(B) Types of wastes generated, and 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 and type of employees and proposed or actual hours of operation.

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

(E) 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.

(4) **Time and Duration.** Time and duration of discharges.

(5) **Monitoring Location.** The location for monitoring all wastes covered by the permit.

(6) **Flow Measurement.** Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from the regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in § 65-602(i) (*see* 40 CFR 403.6(e)).

**(7) Measurement of Pollutants.**

**(A)** The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

**(B)** The results of sampling and analysis identifying the nature and concentration and/or mass, where required by the Standard or by the City Director of Public Works, of regulated Pollutants in the Discharge from each regulated process.

**(C)** Instantaneous, Daily Maximum, and long-term average concentrations (or mass, where required) shall be reported.

**(D)** The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in § 65-1010. Where the Standard requires compliance with a BMP or Pollution prevention alternative, the User shall submit documentation as required by the City Director of Public Works or the applicable Standards to determine compliance with the Standard.

**(E)** Sampling must be performed in accordance with procedures set out in § 65-1011.

**(8) Other Information.** Any other information as may be deemed necessary by the Borough or the City Director of Public Works to evaluate the Wastewater Discharge Permit application.

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

**(b) Signatures and Certification.** All Wastewater Discharge Permit applications and User reports and certifications 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. I make this certification subject to the penalties of 18 PA. CONS. STAT. § 4904 (relating to unsworn falsification to authorities.”

[Ords. 415 10-29-2003, 485 08-26-2009]

**§ 65-904 Determination on Permit Application; Reconsideration; Appeals.**

**(a) Decisions on Permit Applications.** The Borough and the City Director of Public Works will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete Wastewater Discharge Permit application, the

Borough and the City Director of Public Works will determine whether or not to issue a Wastewater Discharge Permit. The Borough and the City Director of Public Works may deny any application for a Wastewater Discharge Permit. The Borough or the City Director of Public Works shall provide public notice of the issuance of a Wastewater Discharge Permit.

**(b) Petition for Reconsideration.** Any Person, including the User, may petition the Borough and the City Director of Public Works to reconsider the terms of a Wastewater Discharge Permit, within thirty (30) days after notice of its issuance. Failure to submit a timely petition for reconsideration shall be deemed to be a waiver of the administrative appeal. In its petition, the appealing party 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. If the Borough and the City Director of Public Works fail to act within thirty (30) days after the filing of a petition for reconsideration, the request for reconsideration shall be deemed to be denied.

**(c) No Stay Pending Reconsideration.** The effectiveness of a Wastewater Discharge Permit shall not be stayed pending a decision on a request for reconsideration.

**(d) Final Administrative Decisions.** Decisions 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 final administrative decisions. Aggrieved parties seeking review of administrative decisions may do so in accordance with §§ 65-1501, 65-1502, and applicable City ordinances and state law.

[Ords. 415 10-29-2003, 485 08-26-2009]

## § 65-905 Duration of Permits.

**(a) In General.** A Wastewater Discharge Permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A Wastewater Discharge Permit may be issued for a period less than five (5) years, at the discretion of the Borough and the City Director of Public Works. Each Wastewater Discharge Permit will indicate a specific date upon which it will expire.

**(b) Cessation of Operations or Transfer of Ownership.** Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership.

**(c) Replacement.** All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.

[Ords. 415 10-29-2003, 485 08-26-2009]

## § 65-906 Content of Permits.

**(a) In General.** A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Borough and the City Director of Public Works 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 biosolids management and disposal, and protect against damage to the POTW.

**(b) Required Provisions.** Wastewater Discharge Permits must contain:

(1) A statement that indicates Wastewater Discharge Permit issuance date, expiration date, and effective date;

(2) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Borough and the City in accordance with § 65-908, and provisions for furnishing the new owner or operator with a copy of the existing wastewater Discharge Permit;

(3) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants and/or Best Management Practices to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

(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; and

(6) Requirements to control Slug discharge, if determined by the Borough or the City Director of Public Works to be necessary.

**(c) Optional Provisions.** Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum 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 control 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, including flow measurement devices;

(7) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable federal, state, and local Pretreatment Standards, including those which become effective during the term of the Wastewater Discharge Permit; and

(8) Other conditions as deemed appropriate by the Borough or the City Director of Public Works to ensure compliance with this Chapter and federal, state, and local laws, rules, and regulations.

[Ords. 415 10-29-2003, 485 08-26-2009]

### § 65-907 Modification of Permits.

The Borough and the City Director of Public Works 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, process, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;

(c) To address a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(d) To respond to information indicating that the permitted discharge poses a threat to the POTW, personnel, biosolids, or the receiving waters;

(e) Due to a violation of any terms or conditions of the Wastewater Discharge Permit;

(f) Due to misrepresentations or the failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting;

(g) Due to a 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; or

(i) To reflect a transfer of the facility ownership or operation to a new owner or operator, *provided* that the permit is transferable under § 65-908.

[Ords. 415 10-29-2003, 485 08-26-2009]

### § 65-908 Transfer of Permits.

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Borough and the City Director of Public Works, and the Borough and the City Director of Public Works approves the Wastewater Discharge Permit transfer. Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void as of the date of the facility transfer. The notice 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; and

(c) Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

[Ords. 415 10-29-2003, 485 08-26-2009]

## § 65-909 Revocation of Permits.

The Borough or the City Director of Public Works may revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

(a) Failure to notify the Borough and the City Director of Public Works of significant changes to the Wastewater prior to the changed discharge;

(b) Failure to provide prior notification to the Borough and the City Director of Public Works of changed conditions pursuant to § 65-1005;

(c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;

(d) Falsifying self-monitoring reports and certification statements;

(e) Tampering with monitoring equipment;

(f) Refusing to allow the Borough or the City Director of Public Works timely access to the facility premises and records;

(g) Failure to meet effluent limitations;

(h) Failure to pay fines;

(i) Failure to pay sewer charges;

(j) Failure to meet compliance schedules;

(k) Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;

(l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

(m) Violation of any Pretreatment Standard or Requirement, or any terms of the Wastewater Discharge Permit or this Chapter.

[Ords. 415 10-29-2003, 485 08-26-2009]

**§ 65-910 Reissuance of Permits.**

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with § 65-903, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing Wastewater Discharge Permit.

[Ord. 415 10-29-2003]