

Chapter 18

Sewers and Sewage Disposal

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Part 1**Mandatory Connection to Sewers****§18-101. Connection Required upon Notice.**

As and when the connections with the Ephrata sewage treatment plant are sufficiently completed to transfer sewage there and the sewage collection system or parts thereof are completed so that sewer service becomes available to property owners, each and every owner of improved property within Borough on which sanitary sewage is generated and which is benefitted, improved or accommodated by sewer system shall, upon written notice from Borough that sewer service is available and that connection is required, connect his property with the sewer system in accordance with the rules and regulations of Borough without delay.

(Ord. 207, 2/28/1969, §1)

§18-102. Connection Required as Service Becomes Available.

As from time to time sewer service becomes available to additional properties within the Borough limits by reason of the improvement of properties benefitted, improved or accommodated by the sewer system, or by reason of the construction of extensions to the sewer system; each and every owner of such additional properties shall likewise, upon receipt of written notice of Borough ordering connection, be required to connect his property with sewer system without delay.

(Ord. 207, 2/28/1969, §2)

§18-103. Notice to Connect.

If any owner of improved properties within Borough who is required to connect his property with sewer system by §§18-101 or 18-102 of this Part shall fail to connect therewith promptly after written notice from Borough ordering connection, Borough shall give such owner 45 days written notice of this Part, and upon the failure of such owner to make the required connection within said 45-day period, Borough may make such connection and collect the cost thereof from such owner by a municipal claim or in an action in assumpsit.

(Ord. 207, 2/28/1969, §3)

§18-104. Unlawful to Use Cesspool or Septic Tank after Notice to Connect.

Whenever Borough shall have given notice to the owners of properties within the Borough limits to connect with the sewer system pursuant to §§18-101 or 18-102 of this Part, it shall be unlawful for the property owner to operate or use within Borough a privy, cesspool, vault, septic tank or similar receptacle or sanitary sewage upon his property, or to connect any such privy, cesspool, vault, septic tank or similar receptacle with sewer system, or to discharge sewage into any storm sewer or other sewer outlet other than sewer system. No owner of any property which abuts on or adjoins any street, alley or other public highway in which a sewer of sewer system shall at the time be located and ready for service, or which shall at the time be otherwise accessible to such sewer, shall construct or install any privy, cesspool, vault, septic tank or similar

receptacles on his property.

(*Ord. 207, 2/28/1969, §4*)

§18-105. Prohibited Discharge.

No property owner shall discharge, or permit to be discharged, into sewer system any exhaust stream or any oils, tars, grease, gas, benzene or other combustible gases or liquids, or any garbage (unless pretreated in an approved manner), offal, insoluble solids or other dangerous or harmful substances which would adversely affect the functioning of sewage system or the processes of sewage treatment. No property owner shall discharge, or permit to be discharged into sewer system any roof drainage, surface, water or ground water or waste from underground drainage fields.

(*Ord. 207, 2/28/1969, §5*)

§18-106. Penalties.

If any owner of property within the Borough shall have failed to connect his property with the sewer system as required by §§18-101 or 18-102 of this Part, and the Borough shall have given such owner 45 days written notice of this Part pursuant to §18-103, and if such owner shall have failed within said 45-day period to make the required connection, such failure shall be and hereby is declared a violation of this Part and such owner shall upon conviction before any magisterial district judge forfeit and pay to the use of Borough a sum not exceeding \$300 together with costs of prosecution for each 90 days or fraction thereof such violation shall persist, which sum shall be collected as prescribed in the Borough Code. The sum herein forfeited shall be considered a penalty.

(*Ord. 207, 2/28/1969, §6; as amended by Ord. 00037, 10/8/2007*)

§18-107. Additional Penalties.

If any owner of property within Borough shall violate §§18-104 or 18-105 of this Part, he shall upon conviction thereof before any magisterial district judge forfeit or pay to the use of Borough a sum not exceeding \$300 together with costs of prosecution for each 90 days or fraction thereof such violation shall persist, which sum shall be collected as prescribed in the Borough Code. The sum herein forfeited shall be considered a penalty.

(*Ord. 207, 2/28/1969, §7; as amended by Ord. 00037, 10/8/2007*)

§18-108. Notices.

Notices of this Part to property owners under §18-103 may be given by anyone on behalf of and with authority of Borough either by personal service as that term is used in the Rules of Civil Procedure for actions in assumpsit or by ordinary certified mail sent to the last known address of such owner.

(*Ord. 207, 2/28/1969, §8*)

Part 2**Sewer Rents and Charges****§18-201. Definitions.**

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

Authority - Akron Borough Authority.

Borough - the Borough of Akron.

Building sewer - that part of the main building, house drain, or sewer line inside the walls of the building and extending through the wall to a point of the outside edge of the curb or, if there is no curb, to the inside edge of the cartway. [Ord. 99007].

EDU (equivalent dwelling unit) - a unit of use or occupancy equivalent to daily sewer usage of 350 gallons of sewage per day. [Ord. 393A]

Industrial waste - any solid, liquid, or gaseous substance or water-borne wastes or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.

Lateral sewer or service lateral - all facilities located between the sewer main and the curb or, if there is no curb, the edge of the roadway abutting the property effected with sewage service.

Owner - any person vested with ownership, legal or equitable, sole or partial, of any property located in the sewered area.

Person - any individual, partnership, company, association, society, corporation or other group or entity.

Sanitary sewage - spent waters, together with human and household wastes ordinarily removed by water carriage, and industrial waste. Such definition expressly excludes the effluent from septic tanks or cesspools, rain, storm, and ground water, which could in any way enter the sewer system, as well as, roof or surface drainage, drainage of percolating or seeping waters or accumulation thereof, whether underground or in cellars or basements.

Service line or house connection - that part of the main house drain or sewer line extending from a line at the outside edge of the curb or, if there is no curb, from the edge of the cartway to the point of its connection to the building. [Ord. 99007]

Sewer main - all or any part of sewer system as defined herein.

Sewer system - sewer mains, lateral sewers from main to point of house connection, sewage ejector and/or pumping stations, sewer force mains, sewage treatment plants, and all appurtenant facilities owned by Akron Borough Authority and operated by Borough in furnishing sewage services.

Sewered area - that portion of Borough in which there shall be constructed a sewage collection system, as from time to time constructed and extended.

(*Ord. 208*, 2/28/1969, §1; as amended by *Ord. 305*, 7/13/1981, §1; by *Ord. 393A*, 2/2/1993, §IV; and by *Ord. 99007*, 11/8/1999, §1)

§18-202. Connections.

1. A. This Borough shall charge a connection fee in, the amount of the actual cost incurred by the Borough for each connection to the Borough's sewer lateral. In lieu of payment of said connection fee the Borough may, at the discretion of the Borough, require the construction and dedication of those facilities by the property owner or the owners requesting such connection. Upon the occurrence of said event, the property owner or owners shall reimburse the Borough for its reasonable expenses in supervising such connections.

B. The Borough does also hereby impose a customer facilities fee in the amount of the actual costs incurred by the Borough for the facilities serving the connected property from the property line or curb stop to the proposed dwellings or buildings to be served, where the Borough and not the property owner or owners install the customer facilities.

In lieu of the payment of the customer facilities fee the Borough may require the construction of those facilities by the property owner or owners requesting customer facilities. Upon occurrence of said event, the property owner or owners shall reimburse the Borough for its reasonable expenses in supervising the construction of such facilities. Upon occurrence of said outcome of the property or the owner should reimburse the Borough for its reasonable expenses and supervising the construction of such facilities.

C. The Borough Council shall, from time to time, establish a sewer tapping fee, by resolution of Council, against the owner of any improved property whenever such owner hereafter shall connect any such improved property with the sewer system or in the case as to capacity fee and distribution fee parts, whenever use of the system is proposed to be increased. Said tapping fee shall be established pursuant to provisions of applicable codes and may include a capacity fee, a distribution fee, and reimbursement fee. [*Ord. 00066*]

[*Ord. 393A*]

2. A. The capacities fee and the collection fee parts of each tapping fee shall be due and payable for each dwelling unit in multi-dwelling situations. [*Ord. 00011*]

B. In each case of commercial or industrial users, the total tapping fee shall be modified by adding a capacity fee and collection fee parts sum computed by multiplying the sums set forth in the capacity fee and collection fee parts times the number of equivalent dwelling units estimated, in good faith, by the applicant to be the applicant's average daily usage over the term of the first 5 years of use, but will never be less than one capacity fee and collection fee part. [*Ord. 00011*]

C. In the event that the Borough is not satisfied with applicant's estimate, the Borough's Engineer shall submit its own estimate. If the applicant is unwilling to

accept the estimate of the Borough's Engineer, then, in said event a hearing shall be held before Council at which time Council shall make a final decision on the matter.

D. The Borough shall have the right to actually measure sewer usage during each of said 5 years and in the event that the applicant's good faith estimates prove too low or in the event that the decision of the Borough is too low. Applicant will promptly pay to the Borough, on an annual basis, the corrected capacity fee and collection fee parts then in effect times the number of increased equivalent dwelling units actually used. Any overpayment made hereunder shall be considered used for reservation of capacity and costs in processing and shall not be refunded. Such capacity fee and collection fee components shall be charged for connection of each improved property or for adding of additional uses or units of occupancy by the owner of such improved property. [*Ord. 00011*]

E. The Borough shall also have the right to measure sewage usage at any time during which it is believed that sewage usage has changed from that previously approved and previously assessed. Owner will promptly pay to the Borough the corrected capacity fee and collection fee parts then in effect times the number of increased equivalent dwelling units actually used or anticipated to be used. Any overpayments hereunder shall be considered for reservation of capacity and costs in processing and shall not be refunded. Capacity fee and collection fee components shall be used for increased usages of equivalent dwelling units of sewage capacity and shall be charged at the capacity fee and collection fee components then in effect. [*Ord. 00011*]

F. In the case of mobile home parks, trailer courts, campgrounds, shopping centers, apartments, office buildings, hotels, motels, rooming house, nursing homes; industrial parks and all other tracts wherever by lease ownership, or contract there are multiple structures, divisions of structures or separate sleeping quarters, or units of occupancy among separate owners, lessees or residents, each unit of use or occupancy shall be considered as though it were a separate unit and a separate capacity fee and collection fee parts shall be paid thereafter, except when a business or professional use is in connection with a dwelling unit occupied by the same person who owns and operates the business or profession (and no persons are employed therein). This provision shall apply to tapping fees only. Nothing herein shall be construed to prohibit, if otherwise authorized (and if all applicable monies are paid), single laterals for multiple units under one ownership. [*Ord. 00011*]

G. All fees shall be due and payable at the time application is made to the Borough to make any such connection to the sewer system or upon the date when the Borough shall connect any such improved property to the sewer system, at the cost and expense of the owner, when such owner shall have failed to make such connection as required by the Borough pursuant to the provisions of this Part then in effect requiring such connection or when applicant applies for additional services or when applicant commences use of facilities using additional services, whichever shall first occur.

H. All fees shall be payable to the Treasurer of this Borough or to such other officer or representative of this Borough as shall be authorized, from time to time,

by resolution of this Borough, to accept payment thereof.

[*Ord. 393A*]

3. No person shall uncover, connect with, make any opening or use, alter or disturb in any manner any sewer of sewer system without, first obtaining a permit from Borough.

4. No person shall make or cause to be made a connection of a property with a sewer until the following conditions have been fulfilled:

A. The permit officer shall have been notified at least 24 hours in advance of the time when such connection will be made. Each owner shall be solely responsible for all maintenance, repairs and replacements of the building sewer and service line. Additionally, each owner shall be solely responsible for removing all clogs and other constrictions on the passing of sewage, to the point of the sewer main. The Borough shall only be responsible to repair breakage or damaged pipes outside the building sewer and service line. [*Ord. 99007*]

B. The required permit shall have been obtained.

C. The tapping fee imposed by Authority or Borough, as the case may be, has been paid.

D. Any required street opening permit has been obtained and paid for by owner.

5. A. Where a sewer line is to be extended at the expense of the owner or owners of property or where the Borough otherwise would construct the customer facilities, the property owner or owners shall have the right to construct the extension or install the customer facilities himself or themselves through a subcontractor approved by the Borough, which approval shall not be unreasonably withheld; provided, that the Borough shall have the right, at its option, to perform the construction itself only if the Borough provides the extension or customer facilities at a lower cost and within the same timetable specified or proposed by the property owner or owners or his or their approved subcontractor.

B. Construction by the property owner or owners shall be in accordance with an agreement for the extension of the Borough's system and plans and specifications approved by the Borough and shall be undertaken only pursuant to the existing regulations, requirements, rules and standards of the Borough applicable to such construction and shall be further subject to inspection by an inspector authorized to approve such construction and employed by the Borough during construction.

C. When a main is to be extended at the expense the owner or owners of properties, the property owner or owners shall deposit with the Borough, in advance of construction, the Borough's estimated reasonable and necessary costs of reviewing plans, construction, inspections, administrative, legal and engineering services. Construction shall not commence until the property owner or owners have posted appropriate financial security.

D. The property owner or owners shall reimburse the Borough for all its reasonable and necessary expenses incurred as a result of the extension.

E. Upon completion of the construction, the property owner or owners shall dedicate, and the Borough shall accept the extension of the Borough's system,

provided dedication of facilities and the installation complies with plans, specifications and regulations of the Borough and the agreement between the Borough and the property owner.

F. Where the property owner constructs or causes to be constructed at his expense any extension of the sewer system of the Borough, the Borough shall provide for the reimbursement to the property owner when the owner of another property not in the development for which the extension was constructed connects a service line directly to the extension within 10 years of the date of the dedication of such extension to the Borough in accordance with the following provisions:

(1) Such reimbursements shall be equal to the distribution or collection part of each tapping fee collected as a result of subsequent connections. The Borough shall deduct from each reimbursement payment an amount equal to 5 percent, which shall be deemed to represent the appropriate charge for administrative expenses and services rendered in calculating, collecting, monitoring, and disbursing the reimbursement payments to the property owner entitled thereto.

(2) Reimbursement shall be limited to those lines which have not previously been paid for by the Borough.

(3) The Borough shall, in the preparation of the necessary reimbursement agreement with the property owner or owners for whose benefit reimbursement will be provided, attach as an exhibit an itemized listing of all sewer facilities for which reimbursement shall be provided.

(4) The total reimbursement to which a property owner or owners shall be entitled shall not exceed the cost of all labor and material, engineering design charges, the cost of performance and maintenance bonds, Borough review and inspection charges, as well as flushing and televising charges and any and all charges involved in the acceptance and dedication of such facilities by the Borough, less the amount which would be chargeable to such property owner based upon the Borough's collection and distribution tapping fees which would be applicable to all lands of the property owner or owners served directly or indirectly through such extensions if the property owner or owners did not fund the extension.

(5) The Borough shall notify by certified mail, to their last known address, the property owner or owners for whose benefit such reimbursement shall apply within 30 days of the Borough's receipt of any such reimbursement payment. In the event that the property owner or owners have not claimed reimbursement payment within 120 days of the mailing of the notice, the payment shall revert to and become the sole property of the Borough with no further obligation on the part of the Borough to refund the payment to the property owner or owners.

(6) Whenever a sewer system or part or extension thereof owned by the Borough has been constructed by the Borough at the expense of a private person or corporation or has been installed by a private person or corporation under the supervision of the Borough at the expense of the private person or corporation, the Borough shall have the right to charge a tapping fee and refund said tapping fee or any part thereof to the person or corporation who

has paid for the construction of said sewer system or any part or extension thereof.

[*Ord. 393A*]

6. Whenever any person is required to pay any additional sums for additional tapping fees pursuant to the provisions of this Part, and such additional sums are incurred not because of new construction, that person shall have the right to make 12 equal monthly installments (without interest) of the additional tapping fees owed to the Borough. [*Ord. 99007*]

(*Ord. 208*, 2/28/1969, §2; as amended by *Ord. 239*, 6/5/1972, §1; by *Ord. 305*, 7/13/1981, §2; by *Ord. 323*, 1/10/1983, §1; by *Ord. 393A*, 2/8/1993, §II; by *Ord. 99007*, 11/8/1999, §2; by *Ord. 00011*, 7/8/2002, §II; and by *Ord. 00066*, 1/14/2013, §1)

§18-203. Sewer Rentals and Charges.

1. There is hereby imposed on each owner of each property serviced by sewer system quarter-annual sewer rentals, based upon water consumed as determined by the quarterly readings of such discharge or other meters as may be installed pursuant to this Part as follows:

A. Sewer rental rates shall be set, from time to time, by resolution of the Akron Borough Council.

[*Ord. 00016*]

2. In those cases where properties have a source or sources of water supply in addition to, or other than, Borough's water system, owners of such properties shall provide a meter, approved by Borough, on such additional or other source or sources of water supply. The total volume of water furnished as determined from of Borough's water meter and the meter readings of the meter or meters on such additional or other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewerage in computing the sewer rentals and charges.

3. The use of second water meters to measure water usage not flowing into the sewage system shall be permitted under and subject to strict compliance with the following terms and conditions:

A. There shall be installed two separate water meters on two separate water systems off of the same initial lateral (i.e., the lateral shall be "v"ed into the two separate meters), which two separate meters shall not be in line with each other, but on their separate respective systems.

B. One meter shall be for general household purposes and for other purposes that ultimately discharge wastewater into the sewer system. The other water meter shall be for use of water that does not ultimately enter the sewage system in any form at any place. There shall be no cross connections.

C. The meters, their costs, their maintenance, and all plumbing associated with the initial set up and thereafter shall be at the sole expense of the property owner. All work shall be performed under the supervision of Borough employees, whose costs shall be reimbursed at the property owner's expense.

D. Customers shall receive two water bills, one of which shall also include the sewage and the other which shall be separate for the separate meter. That separate meter shall not be invoiced any minimum, but shall be paid on a per gallon basis

for each gallon metered, at the current regular rates.

E. It is a condition of being allowed two meters that Borough employees are granted access to each premises for the purposes of inspecting water systems on each premises to be sure of compliance with this Section.

F. Both water meters shall be clearly observable in order to enable a proper inspection to be made easily to ascertain that each water meter properly records the appropriate water for the appropriate purposes.

G. Any owners of a premise subject to this subsection .3, which has consumed water upon premises through the nonsewer meter installed under this subsection, but which water rate authorized by law for each and every quarter during which the meter under this paragraph has been installed.

H. Should any premises which are subject of this subsection discharge into Borough's sewer system water which has been metered pursuant to the provisions of this subsection so as to violate the provisions of this subsection, then Borough Council, by simple majority of council members voting, may thereafter refuse owner the right to the privileges afforded by this Section.

[Ord. 394]

4. No industrial waste violating any of the following standards may be discharged into sewer system without prior approval of Borough:

- A. Having a temperature higher than 150 degrees F.
- B. Containing more than 100 parts per million (p.p.m.) by weight of fat, oil or grease.
- C. Containing any gasoline, benzene, naphtha, fuel oil or other inflammable or explosive liquid, solid or gas.
- D. Containing any unground garbage.
- E. Containing any ashes, cinders, sands mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction or other interference with the proper operation of the sewage treatment plant.
- F. Having a "pH" not lower than 6.0 nor 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.
- G. Containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process constituting a hazard to humans or animals or to create any hazard in the receiving waters of the sewage treatment plant. Toxic wastes shall include wastes containing cyanide, copper and/or chromium ions.
- H. Containing total solids in such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.
- I. Containing noxious or malodorous gas or substance capable of creating a public nuisance.
- J. Under the following terms and conditions, sanitary sewage, septage and industrial wastes which qualify under this Part may be discharged into sewer

system of Borough other than through pipes connected in sewer system:

(1) Any person desiring to discharge such sewage into sewer system shall first apply to Borough in writing. Such application shall be deemed be consent to the terms and conditions of this paragraph, especially the mils and rates hereinafter set forth but not limiting such acceptance to just mils and rates. The application shall include an analysis of the waste being discharged to insure compliance with the chemical and physical limitations imposed by this Part. The discharger of any waste which is found to exceed these limitations shall be subject to a fine and all damages suffered by the Borough by the result of such discharge.

(2) Before discharging any wastes into sewer system, the applicant shall secure specific designation as to where this shall be done from the Public Works Superintendent of Borough. Prior approval of location shall be required for each dumping, and a manhole or other location shall be assigned for each dumping.

(3) Such dumping shall be accomplished by the applicant so as not to cause any odor to any residents within the Borough or any other occupied structure or deposition of solids within the sewer main.

(4) The applicant shall pay a price per load for each truckload in accordance with the following schedule:

0 to 1000 gallons	\$5
1000 to 2000 gallons	\$8
2000 to 3000 gallons	\$1
3000 to 4000 gallons	\$14
4000 to 5000 gallons	\$17
Over 5000 gallons	\$ 3 per 1,000 gallons.

Bills for such sewage shall be rendered quarterly in the usual manner as all other bills for sewage. However, should any bill for this type of sewage not be paid within 15 days of the date of its mailing; permission under this paragraph shall automatically cease.

(5) Permission shall automatically cease upon any violation of subparagraph (3), hereof.

(6) Permission shall automatically cease should any applicant dump into sewer system any sewage upon which the applicant has not received prior designation as to the location of such dumping.

[Ord. 231]

5. Whenever it is found that effluent from septic tanks or cesspools, rain, storm, and ground water as well as roof or surface drainage, drainage of percolation or seeping waters or accumulation thereof, whether underground or in cellars or in basements, has in any way entered sewer system, the owner of the property from which the same has entered sewer system shall be billed, as soon as the computations can be made by the

Borough Engineer of the estimated amount of water involved for sewer service improperly used, together with the 10 percent penalty (§18-104) and interest upon said bill from the date of said penalty at the maximum legal rate authorized by law for each and every quarter during which it has been determined by the Borough Engineer that such condition has existed, Borough Engineer shall add to each such bill his reasonable costs for making such computations; and, additional bill will be presented from time to time thereafter until such condition shall be completely remedied. The provisions of this subsection shall in no way affect the right of Borough to enforce any other provisions of this Part. The purpose of this subsection is to reimburse the Borough for the damage it has suffered as a result of such a violation of this Part; but, Borough reserves the right to enforce any and all other provisions of law, ordinance or regulation concurrently with said billing or subsequent thereto. The property owner will immediately cease and desist such improper practice as soon as being notified thereof by Borough or as soon as the property owner has any knowledge thereof, whichever is the earlier.

6. The sewer rentals and charges hereinabove set forth shall be applicable for all properties benefitted, improved or accommodated by sewer system within the Borough of Akron effective 1, 1970, whether then connected to sewer system of not. [*Ord. 217*] (*Ord. 208, 2/28/1969, §3; as amended by Ord. 217, 4/6/1970, §§1, 2; by Ord. 227, 5/3/1971, §1; by Ord. 231, 11/1/1971; by Ord. 305, 7/13/1981, §3; by Ord. 323, 1/10/1983, §2; by Ord. 393A, 2/8/1993, §I; by Ord. 394, 7/12/1994, §2; by Ord. 398, 1/31/1994, §I; and by Ord. 00016, 12/9/2002, §I*)

§18-204. Service When Water Service Not Received from the Borough of Akron.

1. The owner of any premises given sewer service by Borough but which does not receive water service from Borough shall be responsible for all provisions of this Section as well as the remainder of this Part.

2. A tapping fee paid by said owner shall be \$600 for the first equivalent dwelling unit. In the case of multi-family dwellings, an initial fee of \$600 for the first equivalent dwelling unit in each set of multi-dwellings shall be paid and for each additional equivalent dwelling unit in each set of multi-dwellings an additional fee of \$300 shall be paid. [*Ord. 305*]

3. An application for service under this Section shall be made to Borough which application shall include, but not be limited to, the granting by owner of a right-of-way to Borough for access at all times to premises of owner for the purposes of inspection of the water system of owner to be sure that the meter is properly installed and remains properly installed and in operating condition at all times. The right-of-way to be given by owner to Borough shall be recorded in the Office of the Recorder of Deeds in and for Lancaster County and shall be valid as long as the water supply for the premises subject to this Section shall not be received from Borough or some other municipality furnishing water service, which municipality requires that its water service used for all purposes by the premises (so that the water meter for such other municipality shall clearly register all water which will eventually become part of Borough's sewer system).

4. The premises which are subject to this Section shall be maintained so that at all times the water system of such premises shall be clearly observable in order to enable a proper inspection to be made easily to ascertain that the water meter properly

records all water being used upon the premises.

5. It shall be unlawful for any sewage to be discharged into Borough's sewer system by any premises which does not utilize the Borough's water supply, unless the water represented by said sewage shall be measured by a meter as provided in this Section.

6. An inspection shall be made no less often than annually by Borough of the water system of the premises subject to this Section to be sure that all water being consumed upon the premises is being metered.

7. Any owner of any premises subject to this Section which has consumed water upon the premises not measured by such meter, which water is discharged into the sewage system of Borough shall pay for such sewage service 300 percent of the normal rates provided in §18-203. Should any inspection by Borough show that water has been consumed upon premises and discharged into Borough's sewer system but not metered under the provisions of this Section, then Borough shall estimate charges for sewer consumption under this subsection, which shall be paid by the owner of the premises.

8. Should any premises which are the subject of this Section discharge into Borough's sewer system water which has not been metered pursuant to the provisions of this Section so as to violate this Section more than once, then Borough may sever the connection of that premises to Borough's sewer system and forever refuse service to that premises.

(*Ord. 208, 2/28/1969, §3A; as added by Ord. 226, 3/1/1971, §1; and as amended by Ord. 305, 7/13/1981, §§4, 5*)

§18-205. Time and Method of Payment of Connection Charges and Sewers Rentals.

1. The quarterly sewer rentals shall be payable on or before the fifteenth day of the month next succeeding the month in which bills are delivered, if the full amount of the bill shall not be paid on or before that day, a penalty of 10 percent of the face amount of the bill shall be added thereto. Failure of any owner to pay his bill for sewer services, together with the penalty thereon, within 1 month after the same shall become due, shall be cause for termination of water service. Bills under this Part may be combined with bills under *Ord. 146* as to water consumption and should be so combined whenever reasonably possible. Each owner shall be solely responsible for all maintenance, repairs and replacements of the building sewer and service line. Additionally, each owner shall be solely responsible for removing all clogs and other constrictions on the passing of sewage, to the point of the sewer main. The Borough shall only be responsible to repair breakage or damaged pipes outside the building sewer and service line. [*Ord. 99007*]

2. Tapping fees imposed by Borough shall be due and payable by the owner no later than 45 days after owner is given notice to connect by Borough or at the time when owner applies to Borough for the permit provided for in §18-202, hereof, whichever is earlier.

3. Every owner shall keep Borough advised of his correct address. Failure of any owner to receive his quarterly bills shall not be considered an excuse for nonpayment nor shall failure result in an extension of the time during which the net bill is payable.

4. Sewer rentals and charges imposed by this Part shall be a lien on property served by sewer system, and any such sewer rentals and charges shall be filed as a lien in the office of the Prothonotary of Lancaster County and may be collected by Borough in the manner provided for municipal claims or by an action in assumpsit against owner, or both.

(*Ord. 208, 2/28/1969, §4; as amended by Ord. 99007, 11/8/1999, §4*)

§18-206. Reservations.

1. If any person shall fail for 30 days after written notice from Borough to remedy any unsatisfactory condition with respect to a building sewer, Borough may refuse to permit such person to use sewer system until such unsatisfactory condition shall have been remedied to the satisfaction of Borough.

2. Borough reserves the right to refuse any person the use of sewer system or to compel the pretreatment of industrial wastes in order to prevent discharges into sewer system of harmful wastes.

3. Borough reserves the right to and may, from time to time, adopt, revise, amend and readopt such rules and regulations as it deems necessary and proper for the use and operation of sewer system.

(*Ord. 208, 2/28/1969, §5*)

§18-207. Miscellaneous.

1. It shall be unlawful for owner of any property within the Borough to discharge into sewer system or to permit the discharge into sewer system, any roof, surface, or ground water, or to construct or install, or permit to be constructed or installed any connection for the discharge of such waters into sewer systems. Whenever any roof, surface or ground water shall be discharged into sewer system, owner of, or user of water in, the property from which such discharge occurs shall, within 60 days after receipt of written notice from Borough, cease such discharge, or cause such discharge to cease, and shall provide for the drainage of such water into the storm sewers or other available facilities.

2. Borough shall have the right of access at all reasonable times to any part, of any property serviced by sewer system as shall be required nor purposes of inspection, measurement, sampling and testing, and for the other functions relating to service rendered by Borough to its sewer system.

3. Whenever a property is vacated, owner shall give notice to Permit Officer of Borough of such fact, and until such notice is given owner shall be responsible for sewage charges. When a vacancy is properly reported, an allowance for the period of vacancy shall be made, if it is shown to the satisfaction of Borough that the water system is properly secured against use. In addition, each property owner shall give to Permit Officer written notice of any change of ownership of any improved property.

(*Ord. 208, 2/28/1969, §6*)

§18-208. Penalties.

Should any owner of property within Borough violate this Part or any of the provisions thereof; he shall, upon conviction thereof before any magisterial district

judge, forfeit or pay to the use of the Borough a sum not exceeding \$300 together with costs of prosecution for each 90 days or fraction thereof such violation shall persist, which sum shall be collected as prescribed in the Borough Code, the sum herein forfeited shall be considered a penalty.

(Ord. 208, 2/28/1969, §7; as amended by Ord. 00037, 10/8/2007)

Part 3**Admission of Industrial Waste to Sewer System****§18-301. General Provisions.**1. *Purpose and Policy.*

A. These regulations set forth uniform requirements for direct and indirect contributors into the wastewater collection system, and the wastewater treatment facilities known as Plant No. 1 operated respectively by the Borough of Akron and the Borough of Ephrata (collectively the “facilities”) and these provisions assist both Boroughs in complying with all applicable State and Federal laws including but not limited to the Clean Water Act of 1977 (33 U.S.C. §1251 *et seq.*) and the Federal General Pretreatment Regulation (40 CFR §403). The objectives of these provision are:

(1) To prevent the introduction of pollutants into the facilities which will interfere with the operation of the facilities or contaminate the resulting biosolids.

(2) To prevent the introduction of pollutants into the facilities that will pass through the facilities, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the facilities.

(3) To help protect personnel who work at the facilities and to help protect the public from unnecessary biological or chemical hazards.

(4) To improve the opportunity to recycle and reclaim wastewater and biosolids from the facilities.

(5) To provide for fees for equitable distribution of the cost of operation of the facilities.

(6) To enable the Borough of Ephrata to comply with its National Pollution Discharge Elimination System Permit condition, biosolids use and disposal requirements, and for the Borough of Ephrata and the Borough of Akron to comply with any other Federal or State laws to which the facilities are subject.

(7) To provide a database for future facilities designs and operation work.

B. These regulations define certain terms and provide for the regulation of direct and indirect contributors to the facilities through the issuance of permits to certain nondomestic users.

(1) Through enforcement of general requirements for the other users.

(2) Authorizes monitoring, inspection, and enforcement activities.

(3) Requires user testing and reporting.

(4) Provides for the setting of fees for the equitable distribution of costs resulting from the treatment of nondomestic wastewater and of the costs resulting from the program established herein.

C. These regulations and fees shall apply to the users located in the Borough of Akron or serviced by the Borough of Akron and to all users who are, by contract

or agreement, users of the facilities, whether or not they are located in the Borough of Akron.

D. These regulations establish fines and penalties for noncompliance with the regulations and further establish additional provisions for corrective action in cases of such noncompliance.

(Ord. 00042, 6/9/2008, §301)

§18-302. Definitions.

1. *Scope.* The following words, terms and phrases when used in these regulations shall have the meaning described in this Section, except where the context specifically indicates otherwise:

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

Act 537 - the Pennsylvania Sewage Facilities Act, Act of January 24, 1966, 35 P.S. 750.1 *et seq.*, as amended from time to time.

Administrator - the administrative entity, including the Borough of Akron, which is appointed by the Borough of Akron to administer the terms and conditions of these regulations pursuant to §18-304.1. hereof.

Approval authority - the Regional Administrator of the EPA.

Authority - the Akron Borough Authority, Lancaster County, Pennsylvania, as well as the duly qualified and acting members of the Board thereof or its authorized deputy, agent, delegates or representative.

Authorized representative of an industrial/commercial user - an authorized representative of an industrial/commercial user may be:

(1) *For a corporation* - a responsible corporate officer of the level of president, vice-president, secretary or treasurer 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.

(2) *Or alternatively, for a corporation* - 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, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(3) A general partner or proprietor of the industrial/commercial user is a partnership or proprietorship, respectively.

(4) *For a Federal, State, or Local Government* - a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility.

(5) A duly authorized representative of the individual designated above if (a) the authorization is made in writing by the individual or, (b) the authorization specifies either an individual or position having responsibility for the overall operation of the facilities from which the indirect discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having

overall responsibility for environmental matters for the company; and (c) the written authorization is submitted to the Borough of Akron and the Administrator.

Average daily flow - a measurement of wastewater flow calculated by dividing the total wastewater flow under consideration for the 30 days immediately preceding the date of calculation by the number 30.

Best management practices (BMPs) - the schedules of activities, prohibitions of practice, maintenance procedures and other management practices to implement the prohibitions listed in this Part. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Biosolids - nutrient-rich organic material resulting from the reclamation of wastewater.

BOD (biochemical oxygen demand) - 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 in milligrams per liter (m/l. The standard laboratory procedure shall be that found in the latest E.P.A. approved edition of *Standard Methods*, published by the American Public Health Association, *et al.*

Borough of Ephrata - the Borough of Ephrata, Lancaster County, Pennsylvania or its authorized deputy, agent or representative.

Borough of Akron - the Borough of Akron, Lancaster County, Pennsylvania or its authorized deputy, agent or representative.

Boroughs of Akron or Ephrata - either or both of the Borough of Akron and/or the Borough of Ephrata, as the case may be, as the provisions of these regulations may be applicable under the circumstances.

Bypass - the intentional diversion of waste streams from any portion of an industrial/commercial user's treatment facility.

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

Collection system - all of the wastewater collection facilities constructed or to be constructed which are owned or operated by the Borough of Akron, which conveys wastewater toward the facilities including, but not limited to, sewers, interceptors, force mains, metering devices, pumping stations and other appurtenances.

Composite wastewater sample - a combination of individual samples of water or wastewater collected at selected intervals, generally hourly for some specific period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at the time of sampling.

Control agencies - the DEP, EPA and any and all governmental agencies, including the Boroughs of Akron and Ephrata and the Administrator, which have a right to control treatment, transportation and disposal of wastewater.

Cooling water - the water discharged from any use such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat and/or anti-scaling or fungicidal chemicals.

DEP - the Department of Environmental Protection of the Commonwealth or any successor thereto.

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

Dissolved solids - the anhydrous residues of the dissolved constituents in water or wastewater as determined by the standard laboratory procedure set forth in the latest edition of *Standard Methods for the Examination of Water and Wastewater*, published by the American Public Health Association, *et al.*

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 Administrator or other duly authorized official of said agency.

Existing source - any source of discharge, the construction or operation of which commences prior to the publication by E.P.A. 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.

Facilities - Plant No. 1, and the collection system, collectively, together with all capital additions.

Garbage - the animal and vegetable solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage, and sale of produce.

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.

Ground water - water which is contained in or passing through the ground.

Holding tank waste - any waste from tank trucks, pump trucks, holding tanks, septic tanks, chemical toilets, campers, trailers or similar devices delivering waste of a sanitary and/or domestic origin.

Indirect discharge - the introduction of pollutants into the POTW from any nondomestic source regulated under §307(b), (c) or (d) of the Act.

Industrial pretreatment program - a program administered by the owner of the POTW that meets the criteria established in 40 CFR §§403.8 and 403.9, and which has been approved by a regional administrator or state director in accordance with 40 CFR §403.11 and which has been approved by the Borough of Akron, which approval shall not be unreasonably withheld by the Borough of Akron.

Industrial users and industrial/commercial users - a source engaged in commercial or industrial activities of indirect discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to §402 of the Act, 33 U.S.C. §1342.

Industrial waste/industrial wastewater - solid, liquid or gaseous substances, water borne waste or form of energy discharged or escaping in the course of any industrial, manufacturing, trade, or business process or in the course of development, recovering or processing of natural resources, but not sanitary wastewater.

Including any and all wastes, other than sanitary wastewater, discharged from industrial establishments, certain commercial establishments, including but not limited to hospitals and restaurants, and other similar business or institutional activities, and additionally in any other respects as such term is defined in the Pennsylvania Clean Streams Law, Act of June 22, 1937, as amended, 35 P.S. §691.1 *et seq.*, (the “Clean Streams Law”).

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 composite 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, inhibits or disrupts the facilities, including the POTW's, their treatment processes or operations, or its biosolids processes, use or disposal; and therefore, is a cause of:

(1) A violation of any requirement of the NPDES permit (including an increase in the magnitude or duration of a violation).

(2) The prevention of biosolids use or disposal by the POTW in accordance with §405 of the Act, or any criteria, guidelines, or regulations developed pursuant to the Solids Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV (Subtitle D) of SWDA applicable to the method of disposal or use employed by the POTW.

Manhole - a structure leading from the surface of the ground to a sewer, permitting access to the sewer.

mg/l - milligrams per liter.

MGD - a million gallons per day, based on average daily flow.

Municipal owner - the municipality and/or municipal authority that owns any portion of any collection system that may be used for the conveyance of sanitary wastewater and/or industrial wastewater from a user.

Municipally - any county, county authority, municipal authority, city, borough, township, or school district. A general purpose unit of local government.

National Categorical Pretreatment Standard or pretreatment standard - any regulation containing pollutant discharge limits promulgated by the EPA in accordance with §307(b) and (c) of the Act, 33 U.S.C. §1317, which applies to a specific category of industrial users and which appears in 40 CFR, Chapter I, Subchapter N, §§405-471. (Same as “categorical pretreatment standard” or “categorical standard.”)

National Pollutant Discharge Elimination System Permit or NPDES permit - a permit used pursuant to §402 of the Act, 33 U.S.C. §1342.

National prohibitive discharge standard or prohibitive discharge standard - any Federal regulation developed under the authority of §307(b) of the Act and 40 CFR §403.5.

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 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 modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of subparagraphs (1) (b) or (1)(c) above but otherwise alters, replaces or adds to existing process or production equipment.

(3) Construction of a new source as defined under this subparagraph 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 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 of feasibility, engineering and design studies do not constitute a contractual obligation under this subparagraph.

New user - means a new connection generating a new sewage flow and/or an existing customer and point of connection that is either:

(1) Applying for an increase in building size or sewer usage by way of land development approval or planning module approval or application for reserved sewer capacity.

(2) An existing customer at an existing point of connection or a new point of connection who is or is not expanding or modifying their building

but who is expanding, changing or intensifying the use of their property in such a way as to add residential dwelling units or commercial or industrial establishments or portions thereof or change or intensify the use of the property served by the facilities.

(3) An existing customer at an existing point of connection who is not expanding their building or changing their usage but is generating a substantial increase in flow, with their existing facilities.

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.

Owner - any person vested with ownership, legal or equitable, sole or partial, of an improved property.

Pass through - a discharge which exits the POTW into the 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 any applicable NPDES permit (including an increase in the magnitude and duration of violation).

Peak flow - any flow which exceeds 1.7 times the average daily flow.

Person - any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity or their legal representatives, agents or assigns. The masculine gender shall include the feminine and/or neuter, and the singular shall include the plural where indicated by the context.

pH - the reciprocal of the logarithm, Base 10, of the hydrogen ion concentration, and is used as an indicator of the acidity or alkalinity of a solution, expressed in standard units.

Plant - Plant No. 1.

Plant No. 1 - the sewage treatment plant and facilities, located in Ephrata Borough, owned by Ephrata Borough Authority and operated by Ephrata, together with any capital additions thereto.

Pollutant - any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, biosolids, munitions, filter backwash, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste 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, and radiological integrity of water.

POTW - see "publically owned treatment works."

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

Pretreatment - the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, discharging or otherwise introducing such pollutants into the

facilities and/or a POTW. The 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, other than a national pretreatment standard.

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

Publicly owned treatment works or POTW - a “treatment works” as defined by §212 of the Act, 33 U.S.C. §1292, and relating solely to Plant No. 1, which is owned by Ephrata Borough, Borough Sewer Authority, Ephrata Borough Authority or a municipal owner. This definition includes any devices and systems used in the collection, storage, treatment recycling and reclamation of sewage or industrial wastes of a liquid nature It also includes pipes, sewers, and other conveyances only if they convey wastewater to a POTW treatment plant.

Requirement(s) - case law, statutes, regulations, rules, guidelines, policies, permits, approvals and other standards or requirements of control agencies.

Sanitary sewer - a sewer which carries sanitary wastewater and/or authorized industrial/commercial wastes and to which storm, surface, and ground waters are not intentionally admitted.

Sanitary wastewater - all normal water-carried household and toilet waste from kitchens, water closets, lavatories, laundries and bathrooms, especially, but not limited to, wastes typical to households, from sanitary conveniences wherever located or existing.

Septic tank waste - waste from a settling tank in which settled sludge is in immediate contact with the wastewater flowing through the tank and the organic solids are decomposed by anaerobic bacterial action.

Sewage - all water-carried waste defined as sewage in Act 537, including sanitary wastewater and industrial wastewater.

Sewage service agreement (or the “agreement”) - the waste water treatment services agreement dated January 1, 1981 by and among the Borough of Ephrata, the Borough of Denver, the Borough of Akron, the Township of East Cocalico, the Township of Ephrata, the Ephrata Borough Authority and the East Cocalico Township Authority, as it may have been amended by a First Supplemental Waste Water Treatment Services Agreement dated the fifth day of May, 1983 and any subsequent amendments thereto executed in writing by all the parties thereto, setting forth the provisions for providing conveyance and treatment of sanitary sewage and industrial waste by the Borough of Ephrata as to Plant No. 1 and providing for the sharing of costs and responsibilities of the Municipalities and their Authorities, including the Borough of Ephrata and its Authority for this conveyance and treatment.

Sewer - a pipe or conduit for carrying wastewater, or unauthorized industrial/commercial waste.

Shall - is mandatory; “may” is permissive.

Significant industrial user (S.I.U) -

- (1) A user subject to categorical pretreatment standards.
- (2) A user that:
 - (a) Discharges an average of 25,000 gallons per day or more of process wastewater to the facilities and/or POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater).
 - (b) Contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of Plant No. 1.
 - (c) Has in its wastes toxic pollutants as defined pursuant to §307 of the Act or Pennsylvania statutes and rules.
 - (d) Is designated as such by the Borough of Ephrata, Borough of Akron, DEP, the Administrator, or the EPA on the basis that it has a reasonable potential for adversely affecting the facilities operation and/or the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in clause (b) has reasonable potential for adversely affecting the facilities; and/or the POTW's operation or .for violating any pretreatment standard or requirement, the Borough of Ephrata or the Borough of Akron 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 (SNC) for significant industrial users (SIUS) -

- (1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the wastewater measurements, including laboratory analyses taken during a 6-month period, exceed a numeric pretreatment standard or requirement or instantaneous limits by any amount.
- (2) Technical review criteria (TRC) violations, defined here as those in which 33 percent or more of all of the wastewater measurements, including laboratory analyses for each pollutant parameter taken during a 6-month period, equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable factors listed herein. The TRC factors are listed as follows: 1.4 for BOD, SS and fats, oils and grease and 1.2 for all other pollutants except pH.
- (3) Any other discharge violation of a pretreatment standard or requirement that the Borough determines has caused, alone or in combination with other discharges, interference or pass-through or has endangered the health of POTW personnel or the general public.
- (4) Any discharge of a pollutant that has caused an imminent endangerment to the public or to the environment or has resulted in the Borough's exercise of its emergency authority to halt or prevent such a discharge.
- (5) Failure to meet, within 90 days after the scheduled date, a compliance schedule milestone contained in an industrial waste discharge permit or enforcement order for starting construction, completing construction or

attaining final compliance.

(6) Failure to provide, within 45 days after the due date, any required reports, including baseline monitoring reports, compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules.

(7) Failure to accurately report noncompliance.

(8) Any other violation or group of violations which may include a violation of best management practices which the Borough determines will adversely affect the operation of the facilities or the implementation of the Borough's pretreatment program.

Sludge - the accumulated solids separated from liquids, such as wastewater, during processing, and/or the precipitate resulting from coagulation or sedimentation of wastewater.

Slug or slug load - a discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards including, but not limited to, an accidental spill or noncustomary batch discharge.

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

Standard Methods - an abbreviated expression used to denote *Standard Methods for the Examination of Water and Waste Water*, a manual published by the American Public Health Association specifying official analytical procedures for the measurement of wastewater parameters.

State - Commonwealth of Pennsylvania.

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

Superintendent - the person(s) designated by the Borough of Akron or Borough of Ephrata to supervise the operation of the respective Boroughs' facilities and who is charged with certain duties and responsibilities by this Part, the Administrator, or their duly authorized representative.

Total solids - the sum of dissolved and undissolved constituents in water or wastewater as determined by laboratory analysis in accordance with *Standard Methods*.

Total Suspended Solids (TSS) - 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.

Toxic substances - any substance or combination of substances that:

(1) Is listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provisions of §307(a) of the Act, or other Acts.

(2) Is present in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the operation of the facilities, including any wastewater treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the wastewater system or in the receiving waters of the POTW.

Unauthorized waste - any waste which is not in compliance with the provisions of these regulations, or which is discharged into the wastewater system by a person in violation of any provision contained in these regulations.

User - a source of indirect discharge or wastewater into the facilities and/or any person who contributes, causes or permits contribution of discharge or wastewater into the POTW.

Wastewater - the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any ground water, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the facilities.

Wastewater system - the wastewater collection systems, interceptor systems and treatment plants, operated by the municipalities and/or their authorities and which directs flow to the Ephrata Wastewater Treatment Plant.

Waters of the Commonwealth - all streams, lakes, ponds, marshes, water-courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.

Any other term used herein shall be defined by the definitions established in the following documents:

(1) The waste water treatment services agreement dated January 1, 1981, by and among the Borough of Ephrata, the Borough of Denver, the Borough of Akron, the Township of East Cocalico, the Township of Ephrata, the Ephrata Borough Authority and the East Cocalico Township Authority, as it may have been amended by a first supplemental waste water treatment services agreement dated the first day of May, 1983, and any subsequent amendments thereto executed in writing by all the parties thereto.

(2) The Department of Environmental Protection of the Commonwealth of Pennsylvania regulations and, if none appear there.

(3) The U.S. Environmental Protection Agency regulations.

2. *Interpretations.*

A. The words "hereof," "herein," "hereto," "hereby," and "hereunder" refer to this Part.

B. Every "request," "requisition," "order," "demand," "application," "notice," "statement," "certification," "consent" or similar action hereunder shall, unless the form thereof is specifically provided, be in writing signed by a duly authorized officer of the person making, sending, issuing or publishing the item.

C. Words imparting persons include firms, associations, corporations, and all parties hereto and all words imparting the singular number include the plural number and vice-versa.

3. *Abbreviations.* The following abbreviations shall have the designated meanings:

BMP	Best management practice
BOD	Biochemical oxygen demand
CFR	United States Code of Federal Regulations
COD	Chemical oxygen demand
DEP	Department of Environmental Protection
EPA	United States Environmental Protection Agency
GPD	Gallons per day
l	Liter
mg	Milligrams
MGD	Million gallons per day
mg/l	Milligrams per Liter
NPDES	National pollutant discharge elimination system
POTW	Publically owned treatment works
SIC	Standard industrial classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. §6091 <i>et seq.</i>
TSS	Total suspended solids
USC	United States Code

(Ord. 00042, 6/9/2008, §302)

§18-303. Regulations.

1. General Prohibitions.

A. No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all users of the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local pretreatment standards or requirements.

B. No user shall introduce or cause to be introduced, directly or indirectly, any stormwater, surface water, spring water, ground water, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, or noncontaminated cooling or process water into the POTW.

C. No user shall introduce or cause to be introduced, directly or indirectly, into the POTW any of the following pollutants, substances, or wastewater:

(1) Any liquids, solids, or gases which by reason of their nature or quantity are, or may be, sufficient, either alone or by interaction with other substances, to cause fire or explosion or be injurious in any other way to the POTW or their operating personnel, or to the operation of the POTW,

including, but not limited to, wastestreams with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees Centigrade using the test methods specified in 40 CFR §261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than 5 percent nor any single reading be over 10 percent of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, paint products, ethers, alcohols, ketones, aldehydes, peroxides, acids or bases, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Borough of Akron, the Borough of Ephrata, the Administrator, the State, or EPA has notified the user is a fire hazard or a hazard to the POTW.

(2) Wastewater having a stabilized pH, less than 6.0 or greater than 9.0, or wastewater having any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, biological and/or bacterial action or, damages to processes, and/or injury to personnel of the POTW.

(3) Any solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the POTW such as, but not limited to, fats, oils and grease, garbage with particles greater than ½ inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, cotton, wool, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, bentonite, lye, building materials, rubber, leather, porcelain, china, ceramic wastes, polishing wastes, or other solid or viscous substances capable of causing obstruction or other interference with the operation of the POTW.

(4) 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.

(5) Wastewater having a temperature at the point of user discharge higher than 150 degrees Fahrenheit, or any wastewater which will inhibit biological activity at the POTW(s) but in no case may wastewater which causes the temperature at the influent of the POTW to exceed 104 degrees Fahrenheit (40°C), or is less than 32 degrees Fahrenheit (0°C).

(6) Containing any petroleum oil, nonbiodegradable cutting oil or products of mineral oil origin in amounts that will cause interference or pass through.

(7) 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.

(8) Trucked or hauled pollutants, except at discharge points and except using procedures as approved by the Borough of Ephrata and Borough of Akron or the Administrator, in accordance with this Part.

(9) Noxious or malodorous liquids, gases, or solids which either singly or

by interaction with other wastes are sufficient to create a public nuisance, or to prevent entry into the POTW for maintenance and repair, or that may cause acute worker health and safety problems.

(10) Liquids, gases or solids which impart color which cannot be removed by normal methods or the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the POTW's effluent, thereby violating the NPDES permit. Color (in combination with turbidity) shall not cause the POTW effluent to reduce the depth of the compensation point for photosynthetic activity by more than 10 percent from the seasonably established norm for aquatic life.

(11) Any radioactive materials or isotopes of such half-life or concentration as may exceed applicable local, State or Federal regulations.

(12) Stormwater, surface water, spring water, contaminated or uncontaminated ground water, artesian well water, remediated contaminated groundwater, roof runoff, subsurface drainage, building foundation drainage, cellar drainage, condensate, noncontaminated cooling or process water, unpolluted industrial or nondomestic process water.

(13) Any toxic substances in sufficient quantity which, either singly or by interaction with other wastewater or pollutants, may injure or interfere with any wastewater treatment process, may constitute a hazard to humans or animals, or may create a toxic effect in the receiving waters of the POTW.

(14) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludge, biosolids, 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 and/or biosolids recycling or disposal criteria 40 CFR 503, guidelines or regulations developed under §405 of the Act; any criteria, guidelines or regulations affecting sludge and/or biosolids use or disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substance Control Act or State criteria applicable to the sludge and/or biosolids management method being used.

(15) Any substance which will pass through and as a result cause the POTW(s) to violate its NPDES permit or its DEP permit or the receiving stream's water quality standards.

(16) Any lagoon wastes.

(17) Wastewater of such character and quantity that unusual attention or expense is required to handle such materials in the POTW, as is reasonably determined by the Borough of Akron (or the Administrator) and Borough of Ephrata.

(18) Any wastewater of such character and quantity that unusual attention or expense is required to handle it at the POTWs, except as may be subject to a "surcharge treatment fee" and approved by the Boroughs of Akron and Ephrata and/or the Administrator.

(19) Any waste listed as hazardous or having the characteristics of hazardous waste as listed in 40 CFR 261.

(20) No user shall introduce or cause to be introduced whole blood, directly or indirectly, into the POTW unless specifically authorized by the Borough

(a) Such authorization shall be limited to a maximum of 12 gallons per day allowable flow from any user.

(b) Such authorization shall be by way of a permit condition for those users that require industrial waste discharge permits (i.e., major or minor industrial users) or by way of written letter of authorization for permit exempt industrial users.

(21) No user shall introduce or cause to be introduced boiler blow-down, directly or indirectly, into the POTW unless specifically authorized by the Borough. Such authorization shall be limited to only those users that can demonstrate to the Borough that their boiler blow-down will not cause a violation of any discharge criteria listed in this Section including, but not limited to, temperature and pH criteria. Such authorization shall be by way of permit conditions for those users that require industrial waste discharge permits (i.e., major or minor industrial users) or by way of written letter of authorization for permit exempt industrial users.

(22) No user shall introduce or cause to be introduced noncontaminated and/or noncontact cooling or process water and/or condensate into the POTW unless specifically authorized by the Borough. Such authorization shall be limited to a maximum of $\frac{1}{4}$ gallon per minute or 360 gallons per day allowable flow from any user. Such authorization shall be by way of a permit conditions for those users that require industrial waste discharge permits (i.e., major or minor industrial users) or by way of written letter of authorization for permit exempt industrial users.

2. *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 Borough of Ephrata and or the Borough of Akron (or the Administrator) may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When wastewater subject to a categorical pretreatment standards is mixed with wastewater not regulated by the same standard, the Borough of Ephrata or the Borough of Akron (or the Administrator) shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

C. A user may obtain an EPA variance from a categorical pretreatment standard if the industrial 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.

3. *Local Limits.*

A. Local limits on the concentration of special pollutants are hereby

established on all industrial users as listed in Table 1 in this Section. These limits are established in accordance with 40 CFR 403.5(C).

B. The Borough of Akron (or the Administrator) and the Borough of Ephrata reserve the right to establish alternate special pollutant discharge limitations in individual industrial waste discharge permits, but only in accordance with regulatory requirements. At no time will the summation of the industrial users' discharges be greater than the allowable industrial headworks loading as defined in 40 CFR, Part 403. The specific pollutant discharge limitations, if more stringent than the National Categorical Pretreatment Standard shall immediately supersede that National Categorical Pretreatment Standard. To the extent that any Federal or State requirements and limitations on discharges are more stringent than the local limits, the most stringent requirement and limitations shall apply.

C. The pollutant concentrations shall be measured in a representative sample collected at the point of discharge of the industrial user to a public wastewater collection system. The concentrations shall be based on a 24-hour composite sample, except however, for certain pollutants the industrial user may request and the Borough of Akron (or the Administrator) and the Borough of Ephrata may allow that this concentration be determined by analyses of grab sample. Certain pollutants such as temperature and grease must be determined on the basis of a grab sample (see §18-306.10). Any sampling criteria shall be described in the industrial waste discharge permit.

D.	Maximum Allowable Concentration [Local Limit (mg/l)]	
	Revised Local Limits for Industrial Users**	
Pollutant (Total)	WWTP #1 mg/l	WWTP #2 mg/l
Arsenic	1.29	0.17
Cadmium	0.18	0.13
Chromium (hex)	0.23	-
Chromium (total)	-	-
Copper	0.31	0.29
Lead	-	1.00
Mercury	0.051	0.041
Molybdenum	-	0.58
Nickel	-	1.45
Selenium	1.13	0.59
Silver	-	-
Zinc	0.73	-
Oil and grease	100	100
pH*	5.0–12.5	5.0–12.5

NOTES:

*pH is expressed as an upper and lower limit, not a maximum allowable concentration.

**Daily maximum limit is two times the monthly average limit.

[Ord. 00080]

E. If the pollutant concentrations or loads in excess of those specified in this Part are discharged, or are proposed to be discharged to the collection system or the POTW, or which in the judgment of the Borough of Ephrata, pollutant concentrations and/or loads may have a deleterious effect upon the POTW, the Borough of Ephrata and Borough of Akron (or the Administrator) may do any or all of the following and/or take additional actions as may be provided in this Part upon giving notice to the industrial user and/or discharger:

- (1) Require, by way of informal notice, by telephone, to the user, immediate discontinuance of the waste discharge until such time as it meets the requirements of this Part.
- (2) Reject the waste.
- (3) Require pretreatment to reduce characteristics to maximum limits permitted by this Part.
- (4) Require control over the quantities and rates of discharge.

F. In no circumstance shall a person discharge or cause to be discharged into the POTW, any of the substances listed in paragraph .D above, without first filing an industrial waste discharge permit application and receiving written approval by the Borough of Akron (or the Administrator) and the Borough of Ephrata, as described in §18-304 of this Part.

G. Whenever a person has received written authorization from the Borough of Akron (or the Administrator) and Borough of Ephrata to discharge any polluted water, wastewater or industrial waste containing any of the substances or possessing any of the characteristics referred to in §§18-303.2 and/or 18-303.3 of this Part, such discharge shall be subject to the continuing approval, inspection and review of the applicable governmental body. If, in the opinion of either Borough, (or the Administrator) such discharges are causing or will cause damage to the collection system or POTW, either Borough (or the Administrator) shall order the person causing such discharge to cease doing so forthwith, or take other appropriate action, as may be required by that Borough, to eliminate the harmful discharge.

H. 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. Either Borough (or the Administrator) 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.

4. *Pretreatment Requirements.*

A. Users shall design, construct, operate and maintain wastewater pretreatment facilities whenever necessary to reduce pollutant concentrations and/or amounts or users shall modify their wastewater to achieve compliance with this Part. The review or approval of pretreatment facility plans, specifications and

operating procedures by either Borough (or the Administrator) and its respective consulting engineer shall not excuse, mitigate or provide any defense to any violations by the user, of this Part or any Federal, State or local requirements.

B. The construction of required pretreatment facilities shall be accomplished in accordance with a responsible completion schedule prepared by the user and approved by the respective Borough (or the Administrator). If, in the opinion of such Borough (or the Administrator), the schedule prepared by the user is not reasonable, a completion schedule shall be established by such Borough (or the Administrator).

C. Any user required by either Borough (or the Administrator) to provide pretreatment facilities, or desiring to, or required to modify existing pretreatment facilities shall not commence construction or modifications of such pretreatment facilities until:

(1) Construction drawings, specifications, completion schedule and other pertinent information relating to the proposed facilities have been submitted to such Borough and the Administrator.

(2) Such Borough and the Administrator provides written approval for the construction of the proposed facilities.

D. When approved in writing by a Borough (or the Administrator) and placed in operation, pretreatment facilities shall be continuously maintained in satisfactory and effective operation by the user, at his sole expense. Each Borough (or the Administrator) shall have the right to inspect said pretreatment facilities at any reasonable time to insure such are being properly maintained and operated.

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

5. *Accidental Discharge / Slug Control Plans.* The Borough shall evaluate at least once which industrial waste discharge permit holders need an accidental discharge/slug control plan with reevaluations as necessary. The operator may require any user to develop, submit for approval, and implement such a plan. Alternatively, such Borough (or the Administrator) 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.

C. Procedures for immediately notifying the Borough of any accidental spill or slug discharge.

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.

6. *Miscellaneous Regulations.*

A. *Drainage of Swimming Pools.* Filter backwash lines shall be discharged to

the facilities as follows:

(1) Sand filter backwash may be discharged directly to the facilities.

B. *Grease, Oil or Sand Interceptors.*

(1) Grease, oil, or sand interceptors shall be installed by the user when, in the opinion of the Borough of Akron or the Borough of Ephrata or the Administrator, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as are likely to cause obstruction to the flow in a sewer or other interference with the operation of the collection facilities or POTW, or are necessary for the proper handling of any flammable waste, sand, or other harmful ingredients. Such interceptors shall not be required for private living quarters or dwelling units.

(2) All interceptors shall be of a type and capacity acceptable to both the Borough of Akron and the Borough of Ephrata and the appropriate municipal owner and shall be located as to be readily and easily accessible for cleaning and inspection.

(3) In maintaining the grease, oil or sand interceptors, the user and the owner(s) (if different persons) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the respective Borough (and/or the Administrator). Any removal and hauling of the collected materials not performed by user's and/or owner's personnel must be performed by currently licensed waste disposal firms.

C. *Garbage Grinders.* The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water shall be discouraged but may be permitted. However, no such mechanical garbage grinder to serve premises used for nonresidential purposes shall be installed until permission for such installation is obtained from the Borough of Akron (or the Administrator) and the Borough of Ephrata. No garbage grinder shall be connected so as to discharge through a grease interceptor. Use of mechanical garbage grinders to serve commercial purposes may result in surcharges as described in §18-305.

D. *Flow Equalization.* The Borough of Akron (or the Administrator) and the Borough of Ephrata shall have the right to require users having large variations in the rate or strength of waste discharge to install suitable regulating devices for equalizing flows and/or loads to the collection facilities POTW.

E. *Hauled Wastewater.*

(1) Septic tank waste may be introduced into a POTW only at locations designated by the Ephrata Borough, and at such times as are established by Ephrata Borough. Such waste shall not violate any Sections of this Part or any other requirements established by Ephrata Borough. Ephrata Borough shall require septic tank waste haulers to obtain wastewater discharge permits.

(2) Ephrata Borough shall require haulers of industrial waste to obtain industrial waste discharge permits and Ephrata Borough may require generators of hauled industrial waste to obtain industrial waste discharge permits. Ephrata Borough also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other

requirements of this Part.

(3) No load may be discharged without prior consent of Ephrata Borough. Industrial waste haulers may discharge loads only at locations designated by Ephrata Borough. Ephrata Borough may collect samples of each hauled load to ensure compliance with applicable standards. Ephrata Borough 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.

(*Ord. 00042, 6/9/2008, §303; as amended by Ord. 00080, 6/9/2014, §1*)

§18-304. Administration.

1. Administrative Entity.

A. *General Applicable.* The provisions of these regulations governing admission of industrial waste into the Ephrata area wastewater treatment facilities shall be administered by the Borough of Akron or by such other entity (hereinafter the Borough of Akron and any such other entity shall be referred to collectively as “the Administrator”) as the Borough of Akron shall determine, from time to time, by an administrative agreement entered into with such entity.

2. Industrial Waste Discharge Permit.

A. *General.* All industrial users connected to and using the POTW or proposing to connect to and use th POTW including new users and new sources (as defined herein) shall apply for industrial waste discharge permit. Certain industrial users will be required to obtain industrial waste discharge permits. Certain small industrial users will be eligible for permit exemptions.

B. *Permit Application.* All industrial users or proposed industrial users shall complete and file with the Administrator, an application in the form prescribed, and accompanied by a fee of \$25 or other fee as may be established by the Borough of Akron by resolution. Existing users shall apply for an industrial waste discharge permit within 60 days after the effective date of this Part. New users shall apply at least 90 days prior to the anticipated date for connection to and/or using a collection systems served by the POTW. In support of the application, the user shall submit the following information:

(1) Name and address of user and location of discharge, and (if different) the name and address of the owner.

(2) The name and address of the municipal or municipal authority collection system proposed for the initial receipt of the proposed discharge of wastes.

(3) Wastewater characteristics and their relationship to National categorical pretreatment standards, and the local limits established by ordinance. Sampling and analysis for this information shall be performed in

accordance with 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 applicable techniques for the pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by E.P.A.

(4) Standard industrial classification (SIC) codes of wastewater characteristics.

(5) Time and duration of industrial waste discharge.

(6) Average daily and peak flow rates (including daily, monthly and seasonal variations if appropriate).

(7) Site plans, floor plans mechanical and plumbing plans, and details to show all sewers, sewer connections and appurtenances by size, location and elevation.

(8) Description of process producing industrial waste.

(9) Description of product and approximate rate of production.

(10) Description of raw materials processed.

(11) Number of employees, hours of operation, and projected hours of operation of pretreatment system (if applicable).

(12) Additional information required by the Administrator as necessary to evaluate the permit application.

C. *Application Signatories and Certification.* All wastewater discharge permit applications and user 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.”

D. *Procedures.*

(1) The procedures to be followed by the Administrator in acting on industrial waste discharge permit applications shall be as follows:

(a) Within 30 days of receipt of the application, the Administrator shall notify the applicant in writing:

1) That the wastewater proposed to be discharged is acceptable and a permit will be issued by the Administrator upon receipt of a \$150 permit fee or other fee as may be established by the Borough of Akron by resolution.

2) That based upon the current facts as set forth in the application and accompanying data the applicant is currently exempt from permit and reporting requirements.

3) That the wastewater proposed to be discharged is unacceptable.

4) That the wastewater proposed to be discharged will be acceptable and a permit will be issued by the Administrator, provided certain action is taken and maintained by the applicant, specifying the terms and conditions thereof and upon receipt of a \$150 permit fee or other fee as may be established by the Borough of Akron by resolution.

5) That the Administrator requires further information, studies or tests, specifying the requirements thereof, before it can determine whether the proposed discharge is or is not acceptable.

E. Permit Classification and Permit Waivers.

(1) Industrial users shall be classified for the purposes of this Part into one of three categories, as follows:

- (a) Major industrial user.
- (b) Minor industrial user.
- (c) Permit exempt industrial user.

(2) Major industrial users are those industrial users that meet any of the following conditions:

- (a) Are significant industrial users (see definition).
- (b) Discharges more than 25,000 gpd of industrial wastewater.
- (c) Discharges more than 50 pounds per day of BOD.
- (d) Discharges more than 50 pounds per day of total suspended solids.
- (e) Discharges more than 20 pounds per day of fats, oil, or grease.
- (f) Discharges more than 3 pounds per day of total phosphorous (P).
- (g) Discharges more than 10 pounds per day of ammonia nitrogen.

(3) Minor industrial users are those industrial users that do not meet the criteria to be classified as either a “major industrial user” or a “permit exempt industrial user.”

(4) Permit exempt industrial users are those industrial users that meet all of the following criteria:

- (a) Discharges less than 2,500 gpd.
- (b) Discharges less than 5 pounds per day of BOD.
- (c) Discharges less than 5 pounds per day of TSS.
- (d) Discharges less than 2 pounds per day of fats, oils and/or grease.
- (e) Discharges of more than 3 pounds per day of total Phosphorous (P).
- (f) Discharges of more than 10 pounds per day of ammonia nitrogen.

(5) The Administrator will determine the classification of the industrial user based upon the information provided by the industrial waste discharge

Permit application and any other information available to the Administrator.

(6) If the industrial user is determined by the Administrator to be a permit exempt industrial user, the user shall be exempt only from the permit and annual or quarterly reporting requirements (subsection .3), inspection manhole requirements (subsection .4) and the surcharge payment requirements (§18-305) of this Part. Permit exempt industrial users shall not be exempt from any other requirements of this Part.

(7) If the industrial user is determined by the Administrator to be a minor industrial user, the user shall be allowed to utilize the reduced reporting requirements specified in subsection .3 of this Part.

(8) If upon information received from the industrial users and/or available to the Administrator based upon on-site inspection, flow tests or wastewater sampling and testing, and/or available to the Administrator from other reliable sources including, but not limited to, the Borough of Akron, the Administrator determines that an industrial user's classification should change then (in that event) the Administrator shall serve notice to the industrial user of that proposed change(s), at least 30 days prior to the effective date of that change(s) and the industrial user, thereafter, shall be required to comply with all requirements imposed upon that revised classification of industrial user.

(9) The flow and loading criteria set forth in this Section shall be based on peak day conditions as estimated or measured.

F. *Permit Conditions.* Industrial waste discharge permits shall be issued subject to all provisions of this Part and all other applicable requirements, user charges and surcharges (if applicable) and fees established by the Borough of Akron. Permits shall include any or all of the following:

(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 Administrator and the Borough of Akron in accordance with paragraph .H of this Section, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

(3) The unit charge or schedule of user charges and/or surcharges for the wastewater to be discharged to the POTW.

(4) Limits on the average and maximum wastewater characteristics.

(5) Limits on average and maximum rates and time of discharge or requirements for flow regulation and equalization.

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

(7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

(8) Compliance schedules.

(9) Requirements for submission of discharge reports.

(10) Requirements for maintaining operating records relating to wastewater discharge and affording the Administrator and the Borough of Akron access thereto.

(11) 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 POTW.

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

(13) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.

(14) 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.

(15) Other conditions as deemed appropriate by the Administrator for individual permittees to ensure compliance with this Part, and State and Federal laws, rules and regulations.

(16) A statement that the conditions of the permit incorporate this Part, as amended from time to time, and a copy of this Part, as of the date of the permit issuance shall be delivered with the permit, but the lack of delivery or receipt of this Part shall not be considered a defect in the permit. The users and permittees have the availability of this Part and amendments thereto at the Borough of Akron.

(17) Requirements for the development and implementation of best management practices necessary to ensure compliance with applicable Requirements.

G. *Permit Duration.* An industrial waste discharge permit shall be issued for a specified time period, not to exceed 5 years or it may be issued to expire on a specific date. The user shall apply in writing for permit reissuance a minimum of 180 days prior to the expiration of an existing permit. The terms and conditions of the permit shall be subject to modification by the Administrator during the term of the permit as limitations or requirements are modified or other just cause exists. The Administrator shall serve notice on the industrial user of that proposed change(s) at least 30 days prior to the effective date of that change(s). Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

H. *Permit Transfer.* Industrial waste discharge permits are issued to a specific user for a specific operation. A permit may not be reassigned, transferred or sold to a new owner, new user, different premises or a new or changed operation without the previous written approval of the Administrator.

Any application for a permit transfer must include a written certification that the new user (or new owner, as applicable):

- (1) States that the user (or owner) has no immediate intent to change the facility's operations and processes.
- (2) Identifies the specific date on which the transfer is to occur.
- (3) Acknowledges full responsibility for complying with the existing wastewater discharge permit.

I. *Waste Characteristic Change.* Any user or owner who is discharging industrial waste into the POTW and who contemplates a change in the method of operation or in the pretreatment facilities which will alter the type of industrial waste then being discharged into the POTW shall apply for a new industrial waste discharge permit at least 30 days prior to such change. The revised industrial waste discharge permit will be subject to a fee of \$150 or other fee as may be established by the Borough of Akron by resolution. Approval or disapproval of a modified permit shall be regulated by the procedures established hereunder for the issuance of an original permit.

J. *Separation of Wastes.* Where the user can prove to the satisfaction of the Administrator that there is a complete separation of sanitary wastewaters from industrial wastes within an industrial establishment, with only the sanitary wastewater discharged to the POTW and submits a written certification thereto pursuant to subsection .2.C, herein, no industrial waste discharge permit will be required.

K. *Public Notification.* The Administrator, at the expense of the applicant for an industrial waste discharge permit, shall publish a notice of intent to issue any initial or major modifications to an industrial waste discharge permit in a newspaper of general circulation, at least 14 days prior to issuance. The notice shall indicate a location where the application for the permit may be reviewed and an address where written comments may be submitted.

L. *Permit Appeals.* Upon receipt by the Administrator of written requests from a party, the Administrator will provide the interested party with written notice of a final permit decision by first-class mail to the address provided by that party. Any person so notified, including the permittee, may appeal the terms of the industrial waste discharge permit, in writing, to the Borough of Akron within 30 days of the date of notice of its issuance, subject to the following:

- (1) No appeal shall be considered complete unless accompanied by the appeal fee of \$500 or such fee as may be subsequently established, from time to time, by ordinance or resolution of the Borough of Akron.
- (2) Failure to submit a timely appeal shall be deemed to be a complete waiver of all rights which could have been included in the appeal.
- (3) The effectiveness of the industrial waste discharge permit shall not be stayed pending final decision on the appeal.
- (4) The appeal must be in writing and the person so appealing must state the grounds for their appeal. If the appellant is the permittee, the permittee shall indicate the provisions of the permit to which objection is made, the reasons for the objection, and the alternative conditions, if any, permittee seeks to be placed in the permit.
- (5) If the appellant desires a hearing on the appeal, the appellant must

request a hearing in their appeal notice. Any hearing will be conducted in accordance with the provisions of Local Agency Law, 2 Pa.C.S. §551 *et seq.*

(6) The Borough of Akron shall issue a written decision granting or denying the appeal, as appropriate. If, after reviewing the appeal and any evidence which may be presented, Borough of Akron determines that the appeal should be granted, the Administrator shall reissue the permit, as modified, or revoke the permit if the appeal requested revocation.

Appeals from all final determinations of the Borough of Akron shall be made to Lancaster County Court of Common Pleas in accordance with the provisions of the Local Agency Law, 2 Pa.C.S. §751 *et seq.*

M. *Industrial Waste Discharge Permit Modifications by the Administrator.* The Administrator may modify an industrial waste discharge permit for good cause including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements.

(2) 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.

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

(4) Information indicating that the permitted discharge poses a threat to POTW, personnel, or the receiving waters.

(5) Violation of any terms or conditions of the industrial waste discharge permit or these regulations.

(6) Misrepresentations or failure to fully disclose all relevant facts in the industrial waste discharge permit application or in any required reporting.

(7) Revision of, or a grant of, variance from categorical pretreatment standards pursuant to 40 CFR 403.13.

(8) To correct typographical or other errors in the industrial waste discharge permit.

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator, pursuant to subsection .2.H hereof.

N. *Industrial Waste Discharge Permit Revocation.* The Administrator may revoke an industrial waste discharge permit for good cause including, but not limited to, the following reasons:

(1) Failure to notify the Administrator of significant changes to the wastewater prior to the changed discharge.

(2) Failure to provide prior notification to the Administrator of changed conditions pursuant to §18-306.5 of this Part.

(3) Misrepresentation or failure to fully disclose all relevant facts in the industrial waste discharge permit application.

(4) Falsifying self-monitoring reports.

(5) Tampering with monitoring equipment.

- (6) Refusing to allow the Administrator or any Municipal owner timely access to the facility premises and records.
- (7) Failure to meet effluent limitations.
- (8) Failure to pay fines.
- (9) Failure to pay sewer charges and costs.
- (10) Failure to meet compliance schedules.
- (11) Failure to complete a wastewater survey or the industrial waste discharge permit application.
- (12) Failure to provide a completed application for a permit transfer in accordance with subsection .2.H, herein, for a new user or owner.
- (13) Violation of any pretreatment standard or requirement, or any terms of the industrial waste discharge permit or this Part.

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

3. *General Reporting Requirements for Permittee.*

A. Each major industrial user permittee shall submit to the Administrator, 10 days prior to the first day of March, June, September and December, an industrial waste contribution report.

B. Each minor industrial user permittee shall submit such a report only once per year, prior to the anniversary date of its permit. The Administrator may require more than one report per year, however, as a permit condition.

C. The waste contribution report shall be on a form provided by the Administrator and shall indicate the nature and concentration of pollutants in the industrial waste effluent. The waste characteristics shall be based on the results of analysis of the waste performed by a qualified laboratory acceptable to the Administrator. Upon specific approval of the Administrator the permittee may elect to employ in-house facilities for the analysis of certain parameters being monitored. However, at least once per year, a split sample shall be analyzed for all parameters being monitored in-house by both the in-house laboratory and a qualified independent laboratory. The results of both laboratories shall then be submitted to the Administrator for review. The Administrator reserves the right to deny and/or withdraw the approval for the use of in-house facilities at any time.

This report shall also include the average daily flow for the reporting period.

D. At the discretion of the Administrator and in consideration of such factors as production schedules, budget cycles, etc., the Administrator may agree to alter the months during which the above reports are to be submitted.

E. Significant industrial users shall also be subject to the reporting requirements of §18-306 of this Part.

4. *Sampling, Flow Measurement, Testing and Inspection.*

A. All major industrial users and minor industrial users shall install at their expense a suitable control manhole, (together with meters if required by the Boroughs as a condition of the permit) and other appurtenances in the sewer to

provide for inspection, sampling and measurement of the waste.

(1) The control manhole should normally be situated on the user's premises, but the Administrator may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(2) There shall be ample room in or near the control manhole to allow accurate sampling and preparation of samples for analysis.

(3) The control manhole, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the user. Construction of the control manhole shall be completed within 90 days following the date of written notice by the Administrator.

B. In the event that no control manhole has been constructed, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

C. Users discharging industrial waste to the POTW shall provide the Administrator and its representatives the opportunity of access at any time, upon reasonable notice, to any improved property served by the wastewater system as shall be required for purposes of inspection, measurement, sampling, testing and records examination to ascertain whether the purpose of this Part is being met and all requirements are being complied with, and for performance of other functions relating to service rendered by the Administrator. The Administrator shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

D. All measurements, samplings, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Part 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 analysis must be performed in accordance with procedures approved by E.P.A.

E. Twenty-four hour composite samples shall be considered the standard for all sampling performed in accordance with the Part, except where grab samples are required in §18-306.10 hereof. However, other appropriate sampling procedures may be acceptable at the discretion of the Administrator, if previously approved and included as part of the permit conditions.

F. The costs of all measurement, sampling, testing, inspection and other monitoring activities incurred by the Administrator while enforcing the provisions of this Part shall be the sole responsibility of and paid by the applicable industrial user. Such costs shall be additional sewer user charges and shall be charged directly to the user using the same procedures for billing and collection as used for the billing and collection of surcharges, as described in §18-305.

(Ord. 00042, 6/9/2008, §304)

§18-305. Pretreatment Charges, Fees and Surcharges.

1. *Pretreatment Charges and Fees.* The Administrator may adopt from time to time, subject to review and approval by Akron Borough Council, reasonable charges and fees which may include, but are not limited to, the following:

A. Fees for reimbursement of costs of setting up and operating the Administrator's pretreatment program including, but not limited to, legal and engineering costs.

B. Fees for industrial waste discharge permit application.

C. Fees for monitoring, inspections and surveillance procedures; including the cost of collecting and analyzing a user's discharge and reviewing monitoring reports submitted by users.

D. Fees for filing appeals.

E. Fees for consistent removal by the Administrator of pollutants otherwise subject to Federal Categorical Pretreatment Standards.

F. Other fees as the Administrator may deem necessary to carry out the requirements of this Part.

These fees relate solely to matters covered by this Part and are separate from other fees, fines and penalties chargeable by the Administrator, the Borough of Akron or the Borough of Ephrata.

2. *Surcharges.*

A. Certain portions of the facilities have been designed to accommodate treatment of wastewater BOD, suspended solids, Phosphorus and ammonia nitrogen. Certain costs of operations of the facilities are incurred by Ephrata and/or Akron for the removal of BOD, suspended solids, phosphorus and ammonia nitrogen from the wastewater flows. If all users discharged wastewater with similar concentration of BOD, suspended solids, phosphorus and ammonia nitrogen, then the imposition of user rates on the flow basis would be fair and equitable. Certain users of the facilities, however, discharge wastewater with concentrations of BOD, suspended solids, phosphorus and ammonia nitrogen that are significantly greater than average concentrations of these pollution parameters. Since Ephrata has provided certain equipment and expends certain operating costs that are provided to accommodate the treatment of BOD, suspended solids, phosphorus and ammonia nitrogen, it has determined that those costs of equipment and operation should be allocated onto the users on a pro rata basis for those users that discharge their waste with concentrations of BOD, suspended solids, phosphorus and ammonia nitrogen that exceed the average wasteload concentrations. This allocation is imposed by surcharges established by Ephrata. Because of the high cost of analyzing BOD, suspended solids, phosphorus and ammonia nitrogen concentrations. These surcharges will only be imposed upon users that generate large wastewater flows. These Surcharges are imposed only on major and minor industrial users. (Discharges generated by major industrial users and minor industrial users containing concentrations of BOD and/or suspended solids in excess of 250 mg/l shall be subject to a surcharge factor. Discharges generated by major industrial users and minor industrial users containing concentrations of phosphorus in excess of 15 mg/l and/or ammonia nitrogen concentrations in excess of 50 mg/l shall be subject to a surcharge factor.) Surcharge factor shall be applied

to the standard user fee.

B. For the purposes of this Section, the term “standard user fee” shall be that fee that municipalities and/or municipal authorities pay to the Borough of Ephrata for the pro rata cost of operation for Plant No. 1 and the pro rata payment of total annual capital cost as established in accordance with the procedures described in the sewage service agreement.

C. The major industrial user and minor industrial user shall be charged their regular customer charge for normal strength wastewater directly by the Borough of Akron. This charge must be paid to the Borough of Akron in accordance with the Borough of Akron's ordinances. The surcharges imposed by this Part are separate charges that will be charged directly by the owner of the facilities, i.e., the Administrator, the Borough of Ephrata, or the Borough of Akron, as the case may be, on the major industrial user and minor industrial user and this separate charge will be payable directly to the Borough of Ephrata, the Administrator and/or Borough of Akron as that use may be.

D. The surcharge factors shall be imposed on the user fees as described above in paragraph .B herein, and not on the user fees charged by the collection system owner.

E. The surcharge factors shall be imposed on the user fees as described above in paragraph .B herein, and not on any base minimum quarterly charge.

F. The surcharge factors shall be imposed on the user fees calculated on existing customer or user flows and not projected on future flows and, therefore, no surcharge shall be imposed upon any user reservation fee or tapping fee.

G. Surcharge factors shall be computed on the basis of the measured or estimated concentration of pollutants for data as may be available to the Administrator. The basis for calculation of these factors shall be average daily loading concentrations based upon 30 day averages. If the data is available based upon an analysis of daily testing of 24 hour composite samples, that data will be used to compute the surcharge factor. If less detailed data is available, the Administrator shall use its discretion to select the loading concentration based upon the best available information. This concentration data may, therefore, only be based upon an analysis of periodic grab samples. If the industrial user objects to the loading concentration used for the calculation of these factors the industrial user can provide the Administrator with more complete test data.

H. The establishment of concentration loads for billing purposes shall be made no more frequently than annually, unless otherwise established for major industrial users; as quarterly as a condition of the Industrial Waste Discharge Permit. That is, the Borough of Ephrata, Borough of Akron or the Administrator, as the case may be, shall establish the surcharge factor annually (except as noted) and bill for the following year using that factor.

I. *Surcharge Factor.* For the major industrial user and/or minor industrial user whose discharge has a total BOD concentration in excess of 250 mg/l and/or suspended solids concentration in excess of 250 mg/l and/or phosphorus concentrations in excess of 15 mg/l and/or ammonia nitrogen concentrations in excess of 50 mg/l, a surcharge factor will be applied to the standard user fee to arrive at the industrial surcharge bill. This surcharge is imposed upon major industrial users

and minor industrial users to allow the pro rata normal costs incurred by the Borough to provide the facilities and facility operation and maintenance for removal of BOD, suspended solids, phosphorus and ammonia nitrogen when discharged into the POTW in a concentration higher than the concentration of those components in sanitary wastewater. The surcharge factor will be established by resolution of Ephrata.

3. *Collection.* Any and all charges, costs, fees, surcharges, expenses, etc shall be due and collectible by the Borough of Akron or Administrator in the same manner as sewer charges are due and collectible by the Borough of Akron.

(Ord. 00042, 6/9/2008, §305)

§18-306. Reporting Requirements for Significant Industrial Users.

1. *Baseline Monitoring Reports.*

A. 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 Administrator a report which contains the information listed in paragraph .B, 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 Administrator a report which contains the information listed in paragraph .B, 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.

B. Users described above shall submit the information set forth below.

(1) *Identifying Information.* The name and address of the facility, including the name of the operator and owner.

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

(3) *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.

(4) *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 waste stream formula set out in 40 CFR 403.6(e).

(5) *Measurement of Pollutants.*

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

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Administrator, 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 subsection .10 of this Part.

(c) Sampling must be performed in accordance with procedures set out in subsection .10 of this Part.

(d) In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Borough or the applicable standards to determine compliance with the standard.

(6) *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.

(7) *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 subsection .2 of this Part.

(8) *Signature and Certification.* All baseline monitoring reports must be signed and certified in accordance with subsection .2.C of this Part.

2. *Compliance Schedule Progress Reports.* The following conditions shall apply to the compliance schedule required by subsection .1.B(7) 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 Administrator 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 Administrator.

3. *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 Administrator a report containing the information described in subsection .1.B(4-6) 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 subsection .2.C of this Part.

4. *Periodic Compliance Reports.*

A. All major industrial users shall cause to be submitted to the Borough original monitoring results from an independent laboratory at a frequency determined by the Borough but in no case less than four times per year (by March, June, September and December). The monitoring results shall indicate the nature and concentration of pollutants in the discharge which are limited by pretreatment standards. The independent laboratory shall be of the user's choice and approved by the Borough, and will conduct sampling without prior notice to the user. Measured or estimated average and if required maximum daily flows for the reporting period shall be obtained from the municipality and cause to be submitted to the Borough quarterly. In cases where the standard requires compliance with a best management practice or pollution prevention alternative, the user shall submit documentation as required by the Borough or the applicable standards to determine compliance with the standard at least quarterly. All periodic compliance reports must be signed and certified in accordance with §18-306.4, hereof.

B. 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. Wastewater meters shall be calibrated at least annually, water meters shall be calibrated at least once every 10 years. The failure of a user to keep its monitoring facility(ies) in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

C. If a user subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Administrator, using the procedures prescribed in subsection .11 of this Part, the results of this monitoring shall be included in the report.

5. *Reports of Changed Conditions.* Each user must notify the Borough of any planned changes to the user's operations or system which might affect the potential for a slug discharge or has the potential to alter the nature, quality or volume of its wastewater at least 30 days before the change.

A. The Administrator may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial waste discharge Permit application under subsection .2.B of this Part.

B. The Administrator may issue an industrial waste discharge permit under §18-304.1.F of this Part or modify an existing industrial waste discharge permit

under §18-304.2.B(1) of this Part in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement, the term “changes” include, but are not limited to, flow increases of 20 percent or greater and the discharge of any previously unreported pollutants.

6. *Reports of Potential Problems.*

A. 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, a user shall immediately telephone and notify the Administrator 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.

B. Within 5 days following such discharge, the user shall, unless waived by the Administrator, 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.

C. 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 paragraph .A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

7. *Reports from Unpermitted Users.* All users not required to obtain an industrial waste discharge permit shall provide appropriate reports to the Administrator as the Administrator may require.

8. *Notice of Violation / Repeat Sampling and Reporting.* If sampling performed by a user indicates a violation, the user must notify by telephone the Administrator within 24 hours of becoming aware of the violation and shall provide written notice within 5 days. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Administrator within 30 days after becoming aware of the violation. The user is not required to resample if the Administrator monitors at the user's facility at least once a month, or if the Administrator samples between the user's initial sampling, and when the user receives the results of this sampling.

9. *Analytical Requirements.* All pollutant analyses, including sampling techniques, to be submitted as part of an Industrial waste discharge permit application or report 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 EPA.

10. *Sample Collection.*

A. Except as indicated in paragraph .B, below, the industrial user must

collect wastewater samples using flow-proportional 24-hour composite wastewater sample collection techniques. The Borough may authorize the use of time proportional sampling or a grab sample where the industrial 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.

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

11. *Timing.* Unless otherwise indicated, written reports shall 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 actual receipt of the report shall govern.

12. *Record Keeping.* Industrial users subject to the reporting requirements of this Section shall retain and make available for inspection and copying all records of information obtained pursuant to any monitoring activities or BMPs required by this article and any additional records of information obtained pursuant to monitoring activities or BMPs undertaken by the industrial 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. Also records necessary to demonstrate compliance with applicable BMPs must be kept. This may include records of pH or flow meter calibration. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the user or the Borough, or applicable municipal owner of a collection system used by the industrial user, or where the user has been specifically notified of a longer retention period by the Borough.

(Ord. 00042, 6/9/2008, §306)

§18-307. Compliance Monitoring.

1. *Right of Entry; Inspection and Sampling.* The Administrator and Borough of Akron 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 industrial waste discharge permit or order issued hereunder. Users shall allow the Administrator and the Borough of Akron 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. 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 Administrator or the Borough of Akron will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Administrator and the Borough of Akron 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.

C. The Administrator may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be main-

tained at all times in a safe and proper operating condition by the user at its own expense.

D. 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 Boroughs and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Unreasonable delays in allowing the Administrator or Borough of Akron access to the user's premises shall be a violation of this Part.

2. *Search Warrants.* If the Administrator or Borough of Akron 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 Administrator 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 Administrator or Borough of Akron may seek issuance of a search warrant.

(Ord. 00042, 6/9/2008, §307)

§18-308. Confidential Information.

Information and data on a user obtained from reports, surveys, industrial waste discharge permit applications, industrial waste discharge permits, and monitoring programs, and from the Administrator'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 Administrator, 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 in writing 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. 00042, 6/9/2008, §308)

§18-309. Publication of Users in Significant Noncompliance.

The Borough shall publish annually, in a newspaper of general circulation published in Lancaster County, a list of the users which, during the previous 12 months, were in significant noncompliance (SNC) with applicable industrial waste pretreatment standards and/or requirements.

(Ord. 00042, 6/9/2008, §309)

§18-310. Administrative Enforcement Remedies.

1. *Notification of Violation.* When the Administrator or the Borough of Akron

finds that a user has violated, or continues to violate, any provision of this Part, an Industrial Waste Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Administrator or the Borough of Akron may serve upon that user a written notice of violation pursuant to §18-313. 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 in writing by the user to the Administrator or the Borough of Akron.

A. 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.

B. Nothing in this Section shall limit the authority of the Administrator or the Borough of Akron to take any other action, including emergency actions or any other enforcement action, without first issuing notice of violation.

2. *Consent Orders.* The Administrator and the Borough of Akron may enter into consent orders, assurances or 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 subsections .4 and .5 of this Part and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the user.

3. *Show Cause Hearing.*

A. The Administrator may order a user which has violated, or continues to violate, any provision of this Part, an industrial waste discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the hearing board as set forth in paragraph .B of this Section 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 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.

B. At any hearing pursuant to this section, testimony shall be under oath and recorded stenographically. The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(1) To issue notices of hearings requesting the attendance and testimony of witnesses and production of evidence relevant to any matter involved in such hearings.

(2) To take evidence.

(3) To transmit a report of the evidence and hearing, including transcripts and other evidence together with recommendations to the Administrator for action thereon.

(a) At any hearing pursuant to this Section, testimony shall be under oath and recorded stenographically.

(b) The transcript so recorded will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

(c) After the hearing board has reviewed the evidence, it may issue an order to the user responsible for the violation, directing that following a specific time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives deemed necessary and appropriate may be issued by the hearing board, including the assessment of costs associated with the hearing.

C. The hearing board shall be appointed by the Administrator and the Borough of Akron. One member of the board shall be a member of the Administrator's staff; 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 by the Borough of Akron.

D. Terms on the board shall be for a period of 5 years. The Borough of Akron 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.

4. *Compliance Orders.* When the Administrator finds that a user has violated, or continues to violate, any provision of this Part, an industrial waste discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Administrator 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 by installing and properly operating adequate treatment facilities, devices, or other related appurtenances, sewer service may be discontinued. 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.

5. *Cease and Desist Orders.* When the Administrator finds that a user has violated, or continues to violate, any provision of this Part, an industrial waste 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 Administrator 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.

Issuance of a cease and desist order shall not be a bar against, or a prerequisite for,

taking any other action against the user.

6. *Administrative Fines.*

A. Notwithstanding any other provision in these regulations, when any user has violated or continues to violate any provision of this Part, the industrial waste discharge permit, any order issued hereunder or any other pretreatment standard or requirement, said user shall be assessed an administrative fine in an amount not to exceed \$2,500 for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

B. In addition to the penalties provided herein, the Administrator or the Borough as the case may be recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated these regulations or the orders, rules, regulations and permits issued hereunder.

C. Users desiring to appeal such fines must file a written appeal along with payment in full of the fine assessed within 10 days of being notified of the fine. The Borough of Akron shall convene a hearing on the matter within 15 days of receiving the appeal and payment, in full, of the fine assessed from the user. Appeals under this provision shall be conducted in the same manner as set forth in subsection .3.B hereof.

D. The Borough of Akron and Administrator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

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

7. *Emergency Suspensions.* The Administrator or Borough of Akron may immediately suspend a user's discharge, after attempted telephone call to the user, 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 Administrator or the Borough of Akron may also immediately suspend a user's discharge, after notice by telephone 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, and/or cause or may cause a violation of the NPDES Permit of the POTW.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Borough of Akron and/or Administrator 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 Akron Borough and/or the Administrator may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Borough that the period of endangerment has passed, unless the termination proceedings in subsection .8 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 Borough of Akron and the Administrator prior to the date of any

show cause or termination hearing under subsections .3 or .8 of this Part.

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

8. *Termination of Discharge.* In addition to other provisions of this Part, any user who violates the following conditions is subject to discharge termination:

- A. Violation of the industrial waste 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 required pretreatment standards.
- F. Failure to pay surcharges, or user charges, or applicable costs, penalties or fines.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under subsection .3 of this Part why the proposed action should not be taken. Exercise of this option by the Borough of Akron or the Administrator shall not be a bar to, or a prerequisite for, taking any other action against the user.

(Ord. 00042, 6/9/2008, §310)

§18-311. Judicial Enforcement Remedies.

1. *Injunctive Relief.* When a user has violated, or continues to violate, any provision of this Part, an industrial waste discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Borough of Akron and/or Administrator may petition the Court of Common Pleas of Lancaster County for the issuance of a preliminary or permanent injunction, or both, as appropriate, which restrains or compels the specific performance of the industrial waste discharge permit, order, or other requirement imposed by this Part on activities of the user. The Borough of Akron and/or the Administrator 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. In the event that the Administrator or Borough of Akron is successful in such petition, the user shall pay the reasonable attorney fees, costs and expert witness fees of the Borough and/or Administrator as the case may be. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

2. Civil Penalties.

A. In addition to proceeding under any other remedy available at law, or equity for violation of this Part, the Industrial Waste Discharge Permit, any order issued hereunder or any other pretreatment standard or requirement, the Borough of Akron and/or the Administrator may assess civil penalties against any user who has violated or continues to violate any of the provisions of this Part, the industrial waste discharge permit, any order issued hereunder or any other pretreatment standard or requirement. Civil penalties may be assessed whether or not the

violation was willful or negligent.

B. Any user who has violated or continues to violate any of the provisions of this Part, the industrial waste discharge permit, or order issued hereunder, or any other pretreatment standard or requisite shall be liable to the Borough of Akron for a civil penalty not to exceed \$25,000, plus actual damages incurred by the POTW per violation, per day as the violation continues. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

C. In addition to the above-described penalty and damages, the Borough of Akron and/or Administrator may recover reasonable attorneys fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses.

D. The Borough of Akron shall petition the court to impose, assess and recover all such sums.

E. In determining the amount of civil liability, the Court shall take 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.

F. Filing a suit for civil penalties shall not be a bar against nor a prerequisite for taking any other action against the user.

3. *Criminal Prosecution.*

A. A user who willfully or negligently violates any provision of this Part, an industrial waste discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall have committed a summary offense and upon conviction therefore, shall be punished by a fine of not more than \$1,000 per violation, per day, and/or imprisonment for a term of not more than 1 year, or both.

B. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed or required to be maintained, pursuant to this Part, an industrial waste discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these regulations shall have committed a summary offense and upon conviction therefore, be punished by a fine of not more than \$1,000 per violation, per day, and/or imprisonment for a term of not more than 1 year, or both.

4. *Remedies Nonexclusive.* The remedies provided for in this Part are not exclusive. The Borough of Akron and/or Administrator 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 Administrator's enforcement response plan. However, the Borough of Akron or Administrator may take other action against any user when the circumstances warrant. Further, the Borough of Akron and Administrator are empowered to take more than one enforcement action against any noncompliant user.

5. *Notices.* Whenever the terms of this Part provide for any action to be taken including notice and the service of documentation with respect to enforcement of the

terms of this Part including termination of discharge, said notices and opportunities to respond shall be provided in addition to the user, to the owner of the improved property served by the POTW, if the owner is different than the user.

(*Ord. 00042, 6/9/2008, §311*)

§18-312. Coordination with Wastewater Collection System Owner.

1. All industrial users shall make application to the Borough of Akron simultaneous with the application for an industrial waste discharge permit to the Administrator. If allowed by the Borough of Akron, the applicant may utilize the same forms and supporting material as submitted to the Administrator.

2. The Administrator will not issue an industrial waste discharge permit or permit exemption unless and until the Borough of Akron has approved the permit or a permit exemption. If, however, the Borough of Akron has not issued their respective permit or permit exemption notice to the applicant within the time limits that the Administrator must provide permit approval, then in that event, the Administrator will proceed to provide permit approval, rejection, or exemption in accordance with this Part. If approval of a permit is granted or permit exemption is granted, such approval or exemption shall be conditioned upon the applicant also obtaining approval or exemption of the Borough of Akron.

3. All industrial users shall provide one copy of all notices, reports, test information and data required by this Part to the Borough of Akron.

4. Verification of the transmittal of information shall be provided to the Administrator as part of the similar transmittal of information required by the Administrator in this Part.

5. The Administrator will administer the industrial waste penalties pursuant to this Part and/or pursuant to the Publicly Owned Treatment Works Penalty Law (POTW Penalty Law), 35 P.S. §752.1 *et seq.*

(*Ord. 00042, 6/9/2008, §312*)

§18-313. Notice Provisions.

1. Every “notice,” “request,” “requisition,” “order,” “demand,” “application,” “statement,” “report,” “certification,” “consent,” or similar action hereunder shall, unless the form thereof is specifically provided, be in writing signed by the user or the authorized representative of an industrial/commercial user making, sending, issuing or publishing the item pursuant to §18-304.2.C hereof, or in the case of the Administrator signed by the Superintendent or his duly authorized representative, and served by personal service or registered or certified mail (return receipt required), unless otherwise specifically indicated.

2. Service upon any authorized representatives of an industrial/commercial user as defined herein shall constitute service upon the user.

(*Ord. 00042, 6/9/2008, §313*)