

responsibility of the user to immediately notify the Joint Sewer Authority of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions

**§ 162-49.7. Written notice.**

Within twenty-four (24) hours following an accidental discharge, the User shall notify the Joint Sewer Authority and within five (5) days following an accidental discharge, the User shall submit to the Joint Sewer Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this article or other applicable law.

**§ 162-49.8. Notice to employees.**

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

**§ 162-50. Pretreatment of wastewater.**

A. Pretreatment facilities.

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall comply with all categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 162-49 of this Ordinance within the time limitations specified by EPA, the State, or the Joint Sewer Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Joint Sewer Authority for review, and shall be acceptable to the Joint Sewer Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Joint Sewer Authority under the provisions of this Ordinance.

B. Additional pretreatment measures.

- (1) Whenever deemed necessary, the Joint Sewer Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Ordinance.
- (2) The Joint Sewer Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to

ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.

- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Joint Sewer Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential Users unless a residential User who is contributing excessive amounts of grease, oil, or sand has first been given the opportunity to reduce the discharge by other means. All interception units shall be of type and capacity approved by the Joint Sewer Authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense, in accordance with any procedure for the installation and maintenance of grease traps as may be established from time to time by the Joint Sewer Authority.
- (4) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

C. Accidental discharge/slug control plans.

At least once every two (2) years, the Joint Sewer Authority shall evaluate whether each Significant Industrial User needs an accidental discharge/slug control plan. The Joint Sewer Authority may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Joint Sewer Authority may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Joint Sewer Authority of any accidental or slug discharge, as required by Section 162-53 F of this Ordinance; and
- (4) 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 (i.e., a spill prevention plan), worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

D. Hauled wastewater.

- (1) Septic tank waste may be introduced into the POTW only at locations designated by the Joint Sewer Authority, and at such times as are established by the Joint Sewer Authority. Such waste shall not violate Section 162-49 of this Ordinance or any other requirements established by the Joint Sewer Authority. The Joint Sewer Authority may require septic tank waste haulers to obtain wastewater discharge permits.
- (2) The Joint Sewer Authority shall require haulers of industrial waste to obtain wastewater discharge permits. The Joint Sewer Authority may require generators of hauled industrial waste to obtain wastewater discharge permits. The Joint Sewer Authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this Ordinance.
- (3) Industrial waste haulers may discharge loads only at locations designated by the Joint Sewer Authority. No load may be discharged without prior consent of the Joint Sewer Authority. The Joint Sewer Authority may collect samples of each hauled load to ensure compliance with applicable standards. The Joint Sewer Authority 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.

**§ 162-51. Wastewater discharge permit application.**

- A. Wastewater analysis. When requested by the Joint Sewer Authority, a User must submit information on the nature and characteristics of its wastewater within five (5) days of the request. The Joint Sewer Authority is authorized to prepare a form for this purpose and may periodically require Users to update this information.
- B. Wastewater discharge permit requirement.
  - (1) No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Joint Sewer Authority, except that a significant industrial user that has filed a timely application pursuant to Section 162-51.C of this Ordinance may continue to discharge for the time period specified therein.
  - (2) The Joint Sewer Authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.
  - (3) Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out elsewhere in this Ordinance. Obtaining a wastewater discharge permit does not relieve

a permittee of its obligation to comply with all Federal and State Pretreatment Standards or Requirements or with any other requirements of Federal, State, and local law.

- C. Wastewater discharge permitting: existing connections. Any User required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Joint Sewer Authority for an individual wastewater discharge permit in accordance with Section 162-51.D of this Ordinance and shall not cause or allow discharges to the POTW to continue after one hundred (100) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Joint Sewer Authority.
- D. Wastewater discharge permitting: new connections. Any User required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 162-51.C of this Ordinance, must be filed at least sixty (60) days prior to the date upon which any discharge will begin or recommence.
- E. Wastewater discharge permit application contents.
  - (1) All Users required to obtain a wastewater discharge permit must submit a permit application. The Joint Sewer Authority may require Users to submit all or some of the following information as part of a permit application:
    - (a) Identifying Information.
      - [1] The name and address of the facility, including the name of the operator and owner.
      - [2] Contact information, description of activities, facilities, and plant production processes on the premises;
    - (b) Environmental Permits. A list of any environmental control permits held by or for the facility.
    - (c) Description of Operations.
      - [1] A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description shall include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
      - [2] Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
      - [3] Number and type of employees, hours of operation, and proposed or actual hours of operation;

[4] Type and amount of raw materials processed (average and maximum per day);

[5] Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

(d) Time and duration of discharges;

(e) The location for monitoring all wastes covered by the permit;

(f) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 162-50 C of this Ordinance (50 CFR 403.6(e)).

(g) Measurement of Pollutants.

[1] The categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.

[2] The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Joint Sewer Authority, of regulated pollutants in the discharge from each regulated process.

[3] Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.

[4] The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 162-53 J of this Ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Joint Sewer Authority or the applicable Standards to determine compliance with the Standard.

[5] Sampling must be performed in accordance with procedures set out in Section 162-53 K of this Ordinance.

(h) Any other information as may be deemed necessary by the Joint Sewer Authority to evaluate the permit application.

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

F. Application signatories and certification.

- (1) All wastewater discharge permit applications, User reports and certification statements must be signed by an authorized representative of the User and contain the certification statement in Section 162-53 N.
- (2) If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Joint Sewer Authority prior to or together with any reports to be signed by an Authorized Representative.
- (3) A facility determined to be a Non-Significant Categorical Industrial User by the Joint Sewer Authority must annually submit the signed certification statement in Section 162-53 N.

G. Wastewater discharge permit decisions. The Joint Sewer Authority will evaluate the data furnished by the User and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Joint Sewer Authority will determine whether or not to issue a wastewater discharge permit. The Joint Sewer Authority may deny any application for a wastewater discharge permit.

**§ 162-52. Wastewater discharge permit issuance process.**

- A. **Wastewater discharge permit duration.** A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Joint Sewer Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.
- B. **Wastewater discharge permit contents.** A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Joint Sewer Authority to prevent Pass Through or Interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

(1) Wastewater discharge permits must contain:

- (a) A statement that indicates the wastewater discharge permit issuance date, expiration date and effective date;
- (b) A statement that the wastewater discharge permit is nontransferable without prior notification to the Joint Sewer Authority in accordance with Section 162-52 E of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (c) Effluent limits, including BMPs, based on applicable Pretreatment Standards;

- (d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
  - (e) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (f) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
  - (g) Requirements to control Slug Discharge, if determined by the Joint Sewer Authority to be necessary.
- (2) Wastewater discharge permits may contain, but need not be limited to, the following conditions:
- (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
  - (b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
  - (c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
  - (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
  - (e) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW;
  - (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
  - (g) 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; and

- (h) Other conditions as deemed appropriate by the Joint Sewer Authority to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

C. Wastewater discharge permit process.

- (1) Public Notification. The Joint Sewer Authority will publish in an official government publication and/or newspaper(s) of general circulation that provides meaningful public notice with the jurisdiction(s) served by the POTW, a notice to issue a pretreatment permit, at least thirty (30) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed and an address where written comments may be submitted.
- (2) The Joint Sewer Authority shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the User, may petition the Joint Sewer Authority to reconsider the terms of a wastewater discharge permit within thirty (30) days of its issuance.
  - (a) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
  - (b) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
  - (c) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
  - (d) If the Joint Sewer Authority fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- (3) Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas of Montgomery County, Pennsylvania, within the period proscribed by Pennsylvania's Local Agency Law, 2 Pa. C.S.A. Section 105, et. seq.

D. Wastewater discharge permit modification. The Joint Sewer Authority may modify a wastewater 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 or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the POTW, Joint Sewer Authority's personnel, or the receiving waters;
- (5) Violation of any terms or conditions of the wastewater discharge permit;
- (6) Misrepresentations or failure to fully disclose all relevant facts in the wastewater 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 wastewater discharge permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

E. Wastewater discharge permit transfer.

- (1) Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Joint Sewer Authority and the Joint Sewer Authority approves the wastewater discharge permit transfer. The notice to the Joint Sewer Authority must include a written certification by the new owner or operator which:
  - (a) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
  - (b) Identifies the specific date on which the transfer is to occur; and
  - (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit.
- (2) Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

F. Wastewater discharge permit revocation.

- (1) The Joint Sewer Authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:
  - (a) Failure to notify the Joint Sewer Authority of significant changes to the wastewater prior to the changed discharge;

- (b) Failure to provide prior notification to the Joint Sewer Authority of changed conditions pursuant to Section 162-53 E of this Ordinance;
- (c) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (d) Falsifying self-monitoring reports;
- (e) Tampering with monitoring equipment;
- (f) Refusing to allow the Joint Sewer Authority timely access to the facility premises and records;
- (g) Failure to meet effluent limitations;
- (h) Failure to pay fines;
- (i) Failure to pay sewer charges;
- (j) Failure to meet compliance schedules;
- (k) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (m) Violation of any Pretreatment Standard or Requirement, or any terms of the wastewater discharge permit or this Ordinance.
- (n) Failure to obtain required sewer capacity.

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

G. Wastewater discharge permit reissuance. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 162-51 of this Ordinance, a minimum of one hundred eighty (180) days prior to the expiration of the User's existing wastewater discharge permit.

H. Regulation of waste received from other jurisdictions.

(1) If another municipality, or User located within another municipality, contributes wastewater to the POTW, the Joint Sewer Authority shall enter into an intermunicipal agreement with the contributing municipality.

- (2) Prior to entering into an agreement required by Paragraph A, above, the Joint Sewer Authority shall request the following information from the contributing municipality:
  - (a) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
  - (b) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (c) Such other information as the Joint Sewer Authority may deem necessary.
- (3) An intermunicipal agreement, as required by Paragraph A, above, shall contain the following conditions:
  - (a) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as the Joint Sewer Authority's most recent Sewer Use Resolution and Local Limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in the Joint Sewer Authority's most recent Sewer Use Resolution. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to any municipal Joint Sewer Authority's ordinance or the POTW's Local Limits;
  - (b) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - (c) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted jointly by the contributing municipality and the Joint Sewer Authority;
  - (d) A requirement for the contributing municipality to provide the Joint Sewer Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;
  - (e) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
  - (f) Requirements for monitoring the contributing municipality's discharge;
  - (g) A provision ensuring the Joint Sewer Authority access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection sampling, and any other duties deemed necessary by the Joint Sewer Authority; and
  - (h) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

- (4) Pursuant to the Pennsylvania Publicly Owned Treatment Works Penalty Law (Act 9 of 1992), the Joint Sewer Authority reserves the right to regulate waste entering the Treatment Plant regardless of its point of origin.
- (5) Each municipality which participates in the operation of the POTW shall, in accordance with various interjurisdictional agreements signed by them, enforce their respective Sewer Use Ordinances with respect to the discharges within each of their jurisdictions : Whenever possible, the enforcement, in cooperation with the Joint Sewer Authority, of a particular municipality's Sewer Use Ordinance shall be a joint and cooperative effort between the subject municipality and staff from the Joint Sewer Authority, which has primary responsibility for plant operations. In the event that any municipality fails or refuses to enforce its Sewer Use Ordinance after the Joint Sewer Authority made a determination that such enforcement is necessary, then the Joint Sewer Authority reserve all rights which they may have to either undertake enforcement pursuant to the Pennsylvania Publicly Owned Treatment Works Penalty Law, and/or to seek enforcement of any interjurisdictional agreement which may require the cooperation of the municipality which fails or refuses to act.

**§ 162-53. Reporting requirements.**

A. Baseline monitoring reports.

- (1) Within either one hundred eighty (180) days after the 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 Joint Sewer Authority a report which contains the information listed in paragraph B, below. At least ninety (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 Joint Sewer Authority 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.
- (2) Users described above shall submit the information set forth below.
  - (a) All information required in Section 162-51.D of this Ordinance.
  - (b) Measurement of pollutants.
    - [1] The User shall provide the information required in Section 162-53;
    - [2] The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph;

- [3] Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User shall measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.5(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Joint Sewer Authority;
- [4] Sampling and analysis shall be performed in accordance with Section 162-53.J;
- [5] The Joint Sewer Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- [6] The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

- (c) Compliance Certification. A statement, reviewed by the User's Authorized Representative as defined in Section 162-48.A of this Ordinance 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.
- (d) 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 must be provided. 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 Section 162-53.B of this Ordinance.
- (e) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 162-51.E of this Ordinance and signed by an Authorized Representative as defined in Section 162-48.A of this Ordinance.

B. Compliance schedule progress reports. The following conditions shall apply to the compliance schedule required by Section 162-53.2 of this Ordinance:

- (1) 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);

- (2) No increment referred to above shall exceed nine (9) months;
- (3) The User shall submit a progress report to the Joint Sewer Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, at 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; and
- (4) In no event shall more than nine (9) months elapse between such progress reports to the Joint Sewer Authority.

C. Reports on compliance with categorical pretreatment standard deadline. Within ninety (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 Joint Sewer Authority a report containing the information described in Sections 162-51(E)(1)(f) and 162-53(A)(2)(b) of this Ordinance. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 162-50, 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 Section 162-51.E of this Ordinance. All sampling will be done in conformance with Section 162-53.

D. Periodic compliance reports.

- (1) All Significant Industrial Users shall, at a frequency determined by the Joint Sewer Authority but in no case less than twice per year (in June and December unless otherwise specified in the User's permit), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollution prevention alternative, the User must submit documentation required by the Joint Sewer Authority or the Pretreatment Standard necessary to determine the compliance status of the User.
- (2) All periodic compliance reports must be signed and certified in accordance with Section 162-51 of this Ordinance. In the event that the months for submission of the reports are altered by the Joint Sewer Authority, factors such as local high or low flow rates, holiday, budget cycles, etc., shall be taken into consideration.
- (3) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring

facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- (4) If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Joint Sewer Authority, using the procedures prescribed in Section 162-53 of this Ordinance, the results of this monitoring shall be included in the report.
- (5) The Joint Sewer Authority may reduce the requirement for periodic compliance reports for an Industrial User subject to Categorical Pretreatment Standards to a requirement to report no less frequently than once a year, unless required more frequently in the Pretreatment Standard or by the EPA or State, where the Industrial User's total categorical wastewater flow does not exceed any of the following:
  - (a) A value equal to 0.01 percent of the POTW's design dry-weather *hydraulic capacity*, or five thousand (5,000) gallons per day, whichever is smaller, as measured by a continuous effluent flow monitoring device unless the Industrial User discharges in batches;
  - (b) A value equal to 0.01 percent of the design dry-weather *organic treatment capacity* of the POTW; and
  - (c) A value equal to 0.01 percent of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved Local Limits were developed in accordance with Section 162-49.3 of this Ordinance. (By way of example, if the POTW's maximum allowable headworks loading for copper is 5 pounds, then 0.01 percent would be 0.0005 pounds; the POTW would need to do this calculation for each pollutant for which it has approved Local Limits.)

Reduced reporting is not available to Industrial Users that have in the last two (2) years been in Significant Noncompliance, as defined in Section 162-56 of this Ordinance. In addition, reduced reporting is not available to an Industrial User with daily flow rates, production levels, or pollutant levels that vary so significantly that, in the opinion of the Joint Sewer Authority, decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

- (6) The Industrial User must notify the Joint Sewer Authority immediately of any changes at its facility causing it to no longer meet conditions of paragraphs (D)(5)(a) through (D)(5)(c) of this Section. Upon notification, the Industrial User must immediately begin monitoring and reporting at least twice per year in accordance with paragraph (D)(1) above.
- (7) All periodic compliance reports must be signed and certified in accordance with Section 162-53 of this Ordinance.
- (8) All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring

facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- (9) If a User subject to the reporting requirement in this section or a User subject to the certification requirement in Section 162-53(N)(2) of this Ordinance monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Joint Sewer Authority, using the procedures prescribed in Section 162-53 of this Ordinance, the results of this monitoring shall be included in the report.

E. Reports of changed conditions. Each User must notify the Joint Sewer Authority of any planned significant changes to the User's operations or system which has the potential to alter the nature, quality, or volume of its wastewater creating a possible slug load discharge condition **at least sixty (60) days before** the change.

- (1) The Joint Sewer Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 162-51 of this Ordinance.
- (2) The Joint Sewer Authority may issue a wastewater discharge permit under Section 162-51 of this Ordinance or modify an existing wastewater discharge permit under Section 162-52 of this Ordinance in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

F. Reports of potential problems.

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the User shall immediately telephone and notify the Joint Sewer Authority 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, along with the identity of the person or persons believed to be responsible for the discharge.
- (2) Within five (5) days following such discharge, the User shall, unless waived by the Joint Sewer Authority 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 Ordinance.
- (3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph A above.



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

- G. Reports of unpermitted Users. All Users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Joint Sewer Authority as the Joint Sewer Authority may require.
- H. Notice of violation/repeat sampling and reporting. If sampling performed by a User indicates a violation, the User must notify the Joint Sewer Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Joint Sewer Authority within thirty (30) days after becoming aware of the violation. The User is not required to resample if the Joint Sewer Authority monitors at the User's facility at least once a month, or if the Joint Sewer Authority samples between the User's initial sampling and when the User receives the results of this sampling.
- I. Notification of the discharge of hazardous waste.
  - (1) Any User who commences the discharge of hazardous waste shall notify the Joint Sewer Authority, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the Joint Sewer Authority of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the Joint Sewer Authority, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be discharged during the following twelve (12) months. All notifications must take place no later than one hundred eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 162-53 of this Ordinance. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical Pretreatment Standards under the self-monitoring requirements of Section 162-53 of this Ordinance.
  - (2) Discharges are exempt from the requirements of paragraph A, above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of non-acute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
  - (3) In the case of any new regulations under Section 3001 of Resource Conservation and Recovery Act of 1976 identifying additional characteristics of hazardous waste or listing any

additional substance as a hazardous waste, the User must notify the Joint Sewer Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

- (4) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (5) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Ordinance, a permit issued thereunder, or any applicable Federal or State law.

J. Analytical requirements. All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, and amendments thereto, 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, or where EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Joint Sewer Authority or other parties approved by EPA.

K. Sample collection.

- (1) Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.
- (2) Except as indicated in paragraphs 3 and 4 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Joint Sewer Authority. Where time-proportional composite sampling or grab sampling is authorized by the Joint Sewer Authority the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Joint Sewer Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.
- (3) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

(4) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 162-53, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Joint Sewer Authority may authorize a lower minimum. For the reports required by Section 162-53(D) of this Ordinance, the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Pretreatment Standards and Requirements.

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

M. Record keeping. Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, including documentation associated with BMPs established under Section 162-49.3. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Joint Sewer Authority, or where the User has been specifically notified of a longer retention period by the Joint Sewer Authority.

N. Certification statements.

(1) Certification of Permit Applications and User Reports – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 162-51; Users submitting baseline monitoring reports under Section 162-53; Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 162-51; and Users submitting periodic compliance reports required by Section 162-53. The following certification statement must be signed by an Authorized Representative as defined in Section 162-48:

*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.*

(2) Annual Certification for Non-Significant Categorical Industrial Users – A facility determined to be a Non-Significant Categorical Industrial User by the Joint Sewer Authority pursuant to