

## Appendix M (Manchester Township)

### **§ 18-903. Industrial Wastes. [Ord. 2010-09, 9/14/2010, § 1]**

1. Treatment of Industrial Wastes. This Part sets forth uniform requirements for users of the publicly owned treatment works and enables the POTW to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and federal pretreatment standards and requirements (40 CFR, Chapter I, Subchapter N). The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence it shall be the established policy of the City of York and Manchester Township to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, processes or operation of the sewage works or are not specifically prohibited by this Part. It is also recognized that to provide this service, additional facilities are required, the cost of which shall be borne by those persons receiving benefits. Additionally, the City of York and industry shall comply with federal pretreatment regulations. To correctly evaluate such users or potential users, all facilities that would otherwise be subject to categorical pretreatment regulations must submit a complete wastewater permit application at least 90 days before the commencement of operations, regardless if the facility intends to discharge wastewater or not. Each user must notify the general manager of any significant changes to the user's operations or system that might alter the nature, quality or volume of its wastewater at least 30 days before the anticipated change.
2. Approval Required for Industrial Wastes. In order to control the admission of industrial waste, the discharge into any sanitary sewer of any industrial waste having the following characteristics shall be prohibited unless an industrial wastewater discharge permit is obtained:
  - A. A daily average BOD concentration greater than 300 mg/l.
  - B. A daily average suspended solids concentration greater than 350 mg/l.
  - C. An average daily flow greater than 25,000 gallons per day of process wastewater.
  - D. Any toxic pollutant that is found in concentrations greater than found in domestic sewage.

# Appendix M (Manchester Township)

§ 18-903

§ 18-903

- E. Any wastes which are considered by the general manager to offer possibilities of harm to structures, processes, or operation of the sewage works or to have significant impact, either singly or in combination with other contributing industries, on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system.

Industries defined as significant industrial users shall be permitted and/or regulated in accordance with the federal pretreatment requirements of 40 CFR Chapter I, Subchapter N. Permits shall be granted by the City of York upon the review and approval of the general manager. The City of York reserves the right to deny new or existing contributions to the system if, because of the volume or characteristics, such wastes are determined by the City of York to be detrimental to the operation of the sewage works or have the potential to cause or contribute to the violation of any laws, regulations, orders or permit conditions applicable to the City of York or the York City Sewer Authority.

3. Survey Data Required. All persons who are now discharging, or are planning to discharge, industrial wastes into any sanitary sewer shall upon the request of the general manager or his designee, complete and file with the general manager, a permit application which furnishes pertinent data, inclusive of quantity of flow and analysis of the industrial wastes discharged, as set forth in Subsection 4A hereof. Any person desiring to make a new connection, a new discharge, or a significant change in the volume, nature, or rate of a discharge, shall complete and file with the general manager a permit application which furnishes pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial, waste to be discharged into the sewage works as set forth in Subsection 4A hereof. Such permit application shall be submitted at least 120 days before the expected or change in discharge is to occur.
4. Industrial Wastewater Discharge Permit Application.
- A. In order to receive a permit to discharge wastes requiring approval under Subsection 2, a completed permit application shall be filed with the general manager. Information required for industrial users includes, but is not limited to:
- (1) Identifying and contact information, including the facility name, address, and name of operator and owner.

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

- (2) Operation information including a description of activities, facilities and plant production processes, production rates for the types of products and or processes, number of employees, and hours of operation. A schematic process diagram, facility site plans, floor plans, mechanical plans and plumbing plans may be required.
  - (3) A list of any state, federal or local environmental control permits held by or for the facility.
  - (4) The type and amount of raw materials and chemicals used or stored at the facility and the types and quantities of wastes generated.
  - (5) The time and duration of discharges from all processes, and the location(s) for monitoring all wastes, including, process flow measurements and wastewater flow measurement, and incoming water flow measurement and records.
  - (6) Results of wastewater sampling and analysis that identifies the nature and concentration (or mass) of pollutants.
  - (7) A baseline monitoring report if the industrial user is subject to categorical standards and a description of any best management practices that will be utilized.
- B. Any person discharging industrial wastes into any sanitary sewer at the time of passage of this Part and requiring a permit shall apply within 90 days after the effective date of this Part. All such persons are considered to have a valid permit until such time as the City of York shall act upon the permit application. It shall be the duty of the industrial and commercial user to maintain operations in compliance with federal, state and local regulations.
- C. The applicant shall submit to the general manager with the permit application a nonrefundable permit application fee made payable to the City of York. Such fee shall be assessed in accordance with a schedule established by resolution of the Council of the City of York.
- D. No permit shall be granted to any person unless he agrees to indemnify and to save the City of York, its officers, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by

# Appendix M (Manchester Township)

§ 18-903

§ 18-903

reason of the permitted waste disposal activity. An indemnification and release shall be part of the permit application.

5. Permit Conditions and Contents. Industrial wastewater discharge permits shall be expressly subject to all provisions of this Part and all other applicable state, federal and local regulations, and user charges and fees established by the City of York. Where federal pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, these requirements and limits become part of the permit whether or not they are stated in the permit. The City of York reserves the right to establish by ordinance or wastewater discharge permit, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this Part. Permits may contain, but are not limited to, the following:
- A. Limits on the average and maximum wastewater constituents and characteristics, including best management practices.
  - B. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - C. Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement and other devices, and the calibration of such devices.
  - D. Specifications for self-monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
  - E. Compliance schedules.
  - F. Requirements for submission of compliance reports, self-monitoring reports and technical reports or discharge reports.
  - G. Requirements for maintaining and retaining records relating to wastewater discharge for a period of not less than three years, including records documenting best management practices compliance, and affording the City of York access thereto.
  - H. Requirements for notification to the City of York of any new introduction of industrial wastes, potential problems or slug discharges, or substantial change in the volume or character

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

of the industrial wastes being introduced into any sanitary sewer.

- I. Requirements for submission of spill prevention plans, slug discharge control plans and/or requirements to control slug discharges, and implementation of best management practices (BMPs) necessary to adequately prevent accidental, unanticipated or non-routine discharges.
  - J. Requirements for installation of means to prevent spills of hazardous materials, untreated waste, raw materials, intermediates or product into the sewage works.
  - K. 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.
  - L. Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
  - M. Other conditions as deemed appropriate by the City of York to ensure compliance with this Part, and state and federal laws, rules and regulations;
  - N. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, permit and ordinance requirements and any applicable compliance schedule.
6. Compliance with Permits.
- A. Permit holders shall comply with the conditions of the permit and failure to do so constitutes a violation of this Part.
  - B. Should a permit holder significantly change the volume of its discharge or change its character for any reason, he shall immediately notify the general manager of such changes and the general manager may require an application for a new permit.
  - C. A permit may be suspended or revoked in whole or in part, or modified, by the general manager for cause including but not limited to the following:
    - (1) Violation of any terms or conditions of the permit.

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

- (2) Obtaining the permit by misrepresentation or failure to disclose fully all relevant facts.
  - (3) A change in any condition, including but not limited to changes in state or federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.
- D. All categorical industrial users are required to be regulated in accordance with federal pretreatment regulations.
7. **Permit Duration and Evaluation.** An industrial wastewater discharge permit shall be issued for a specified time period not to exceed three years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than three years at the discretion of the general manager. A permit holder shall apply for permit reissuance by submitting a complete permit application a minimum of 120 days prior to the expiration of the existing permit. The general manager will evaluate the data furnished by the user and may require additional information. The terms and conditions of the permit may be subject to modification by the City of York during the term of the permit should changes in federal pretreatment regulations occur, changes at the facility occur, or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The general manager may deny any application for a wastewater discharge permit. All wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user. Wastewater discharge permits shall be void upon cessation of operations.
8. **Permit Issuance Procedures.** A permit shall be issued with a minimum thirty-day comment period between the issuance date and effective date. The permit holder may submit written comments on the permit conditions during the comment period for review and response by the general manager. The permit may be modified by the general manager in response to comments. Upon the expiration of the comment period, on the effective date of the permit, the permit shall become effective, subject to the right of appeal as set forth in § 18-917.
9. **Permit Transfer.** Industrial wastewater discharge permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, sold,

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

applied to different premises or a new or changed operation without the written approval of the general manager.

10. Pretreatment. All persons using the sewage works shall provide wastewater treatment as required to comply with this Part and with all federal pretreatment standards, requirements and prohibitions within the time limitations specified by federal regulation or other limits that may from time to time be set by regulatory agencies.
  - A. 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 general manager before such facilities are constructed. The submission 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 POTW under the provisions of this Part.
  - B. Whenever deemed necessary, the general manager 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part.
  - C. The general manager 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. An individual wastewater discharge permit may be issued solely for flow equalization.
  - D. Users with the potential to discharge substances harmful to the POTW, which includes the sewer system, (i.e., flammable substances, corrosive substances) may be required to install and maintain detection meters or monitoring devices.
11. Certification of Reports. Any person signing a permit application, baseline monitoring report, periodic self-monitoring report, questionnaire, compliance schedule, BMP submission or documentation, final compliance report, periodic compliance report, and any other required report shall make the following certification and be signed in accordance with the signatory requirements of Subsection 18:

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

"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."

A facility determined to be a non-significant categorical industrial user by the general manager must annually submit the federally required certification statement regarding non-significant categorical industrial users and be signed in accordance with the signatory requirements of Subsection 18.

12. Sampling and Analysis. The holder of an industrial wastewater discharge permit shall furnish the general manager with written and signed reports of sample analysis at a frequency specified in the industrial wastewater discharge permit. Data used to satisfy reporting requirements must be based on samples collected during the reporting period and must be representative of conditions during the reporting period.
  - A. If a user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the general manager, the results of the monitoring shall be submitted to the City of York.
  - B. Samples to be used for surcharge purposes shall be composite samples and be representative of the discharge from the facility. Grab samples may be used for surcharge purposes where the physical set-up of the facility so dictates or wastewater is collected over a period of time and is discharged as a daily basis or less frequent batch basis. Grab samples that may represent an unusual discharge from the facility may be used for surcharge purposes for the period of time and volume such discharges occurred.
  - C. 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

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

grounds for the user to claim that sample results are unrepresentative of its discharge.

- D. Samples shall be collected, preserved and analyzed promptly, in accordance with 40 CFR, Part 136, to insure accurate results. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, or where the 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 approved by the EPA. Pennsylvania laboratories or facilities that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this Part or pretreatment standard shall be in compliance with the laboratory accreditation requirements of Act 90 of 2002 (27 Pa.C.S.A. §§ 4101-4113) or the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation. Laboratories or testing facilities outside of Pennsylvania that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this Part or pretreatment standard shall be in compliance with the laboratory accreditation requirements of the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation.
- E. City of York representatives may sample and inspect the waste by composite sample or by grab sample in order to verify the analysis being submitted by the industry. If the results obtained by the City of York differ from those obtained by the industrial user, the City of York will notify the industrial user and conduct confirmatory sampling and/or investigate the sampling, preservation, and testing methods employed.
- F. No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW.
- G. If sampling performed by a user indicates a violation, the user must notify the general manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the general manager within 30 days after becoming aware of the violation. Where the City of York has performed the

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

sampling and analysis in lieu of the user, the City of York must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if the City of York performs sampling of the user between the time when the initial sampling was conducted and the time when the user or the City of York receives the results of this sampling.

13. **Control Manhole.** Any significant industrial user, and any other industrial user that the general manager deems, discharging industrial wastes into any sanitary sewer shall construct and maintain at their expense a suitable control manhole, or manholes, downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be placed at suitable locations to provide safe access and representative sampling. The control manhole shall comply with applicable construction standards and specifications in accordance with the general manager's requirements and shall be constructed and maintained in such a manner to enable the placement of sampling equipment and to enable the general manager to perform monitoring activities. The control manhole shall be accessible to the general manager or his representatives at all times for sampling, and shall not be obstructed or located within secure areas such that the general manager cannot gain unrestricted access.
14. **Slug Discharge.** The person in charge of a facility shall notify the general manager or his designated representative immediately in the case of any upset, slug discharge or other discharge of unusual strength, volume, or other characteristics, whether or not such discharge is in violation of the wastewater discharge permit. In such a case, in addition to the immediate report, the user shall submit a written report within five days of the incident specifying:
  - A. Description of the upset, the cause thereof and the upset's impact on a user's compliance status.
  - B. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur.

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

- C. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

Whenever changes are made at a facility that may affect the potential for a slug discharge to occur, the user shall notify the general manager in advance, if possible, or within 24 hours of making such changes.

- 15. Slug Discharge Control Plans. The general manager shall evaluate whether each significant industrial user needs a slug discharge control plan or other action to control slug discharges. Such evaluation shall occur within one year of an industrial user being identified as significant. The general manager may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the general manager may develop such a plan for any user. The POTW may choose to require a significant industrial user to take specific, preventative physical or procedural actions instead of requiring the development of a slug control plan. Such preventative actions and any slug control plan development requirements shall be included in the SIU's control mechanism. Any changes at a user's facility can cause the general manager to re-evaluate the need for a slug control plan. An accidental discharge/slug discharge control plan shall address, at a minimum, the following, in addition to any other items the general manager may determine:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the general manager of any accidental or slug discharges, as required by Subsection 14.
- D. Procedures to prevent adverse impact from any accidental spills 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.

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

16. Fees for Sampling, Analyses and Inspections. The City of York or its designated agent shall inspect properties discharging waste other than domestic wastewater into the sewage works and obtain and analyze samples therefrom to enforce provisions of this Code, to comply with local, state, and federal requirements and to determine applicable surcharges. Fees for such services shall be assessed in accordance with a schedule established by administrative order based on costs. Fees for such services provided by independent laboratories shall be invoiced at cost.
17. Spill Prevention Plans. Any person storing any material in excess of the threshold planning quantity established by SARA III, the Emergency Planning and Community Right to Know Act, shall submit a spill prevention, control and countermeasure plan addressing the potential of an accidental discharge to the sewer system to the general manager for review and approval. Any industrial user storing flowable solids in bulk in excess of 500 pounds, or any liquids in excess of 100 gallons (except for water and heating oil stored for use on the premises), shall report this to the general manager annually, including the quantity and nature of each such material, and shall develop and submit a spill prevention, control and countermeasure plan if so directed by the general manager.
18. Signatory Requirements. Industrial user reports and submissions requiring signature and certification, which include, but are not limited to, permit applications, industrial questionnaires, baseline monitoring reports, compliance schedules, BMPs, final compliance reports and periodic compliance reports, shall be signed by an authorized or duly authorized representative as follows:
  - A. By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this paragraph a responsible corporate officer means:
    - (1) A president, secretary, treasurer, or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation.
    - (2) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

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

- B. By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
  - C. By a duly authorized representative of the individual designated in Subsection 18A or 18B of this section if:
    - (1) The authorization is made in writing by the individual described in Subsection 18A or 18B of this section.
    - (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial 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.
    - (3) The written authorization is submitted to the general manager of the POTW.
  - D. If an authorization under Subsection 18C of this section 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 authorization satisfying the requirements of Subsection 18C of this section must be submitted to the general manager of the POTW prior to or together with any reports to be signed by an authorized representative.
19. Hauled Wastewater. The general manager may prohibit or accept the disposal of hauled industrial or non-industrial wastewater to the POTW. In no case shall any hazardous waste as that term is defined by the Resource Conservation and Recovery Act be discharged as hauled waste.
- A. Hauled or trucked wastewater may be introduced into the POTW only at locations designated by the general manager,

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

and at such times as are established by the general manager. The general manager may refuse a hauler or generator the ability to discharge a particular hauled wastewater load if it cannot be determined that the load will not violate the requirements of this Part or any federal or state pretreatment or waste requirements, or cause interference, pass-through or biosolids contamination. The discharge of hauled wastewater is subject to all other requirements of this Part and applicable state and federal laws. The general manager may develop procedures to ensure compliance with this Part and state and federal requirements.

- B. The general manager may require the haulers and/or generators of hauled or trucked industrial or non-industrial wastewater to obtain wastewater discharge permits.
  - C. No individual load may be discharged into the POTW without the prior consent of the general manager. The issuance of a permit to a hauler or generator does not constitute consent to discharge nor guarantee the ability to discharge any particular load. The general manager may collect samples of each hauled load to ensure compliance with this Part, any federal pretreatment standards and state and federal law. The general manager may require the industrial wastewater hauler to provide a waste analysis of any load prior to discharge.
  - D. Industrial wastewater 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.
20. Additional Measures. Whenever deemed necessary, the general manager may require users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and/or determine the user's compliance with the requirements of this Part or the user's permit.

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

21. Reports from Unpermitted Users. All industrial or commercial users not required to obtain a wastewater discharge permit shall provide appropriate reports to the general manager as the general manager may require.
22. Compliance Schedules. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:
  - 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 above shall exceed nine months.
  - C. The user shall submit a progress report to the general manager 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 to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the user to return construction to the established schedule. In no event shall more than nine months elapse between such progress reports to the general manager.
23. Reports on Compliance with Categorical Pretreatment Standard Deadline. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:
  - A. 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 industrial user subject to pretreatment standards and requirements shall submit to the general manager a report containing the information required for a baseline report required under 40 CFR 403.12 (b)(4)-(6). For industrial users subject to equivalent mass or concentration limits established by the City of York in accordance with the requirements of 40 CFR 403.6(c), this

## Appendix M (Manchester Township)

§ 18-903

§ 18-903

report shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

## Appendix M (North York)

### § 51.23 INDUSTRIAL WASTES.

(A) *Treatment of industrial wastes.* This section sets forth uniform requirements for users of the publicly owned treatment works and enables the POTW to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. §§ 1251 et seq.) and federal pretreatment standards and requirements (40 C.F.R. Chapter I, Subchapter N). The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence it shall be the established policy of the borough and the City of York to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, processes or operation of the sewage works or are not specifically prohibited by this subchapter. It is also recognized that to provide this service, additional facilities are required, the cost of which shall be borne by those persons receiving benefits. Additionally, the borough and the City of York and industry shall comply with federal pretreatment regulations. To correctly evaluate such users or potential users, all facilities that would otherwise be subject to categorical pretreatment regulations must submit a complete wastewater permit application at least 90 days before the commencement of operations, regardless if the facility intends to discharge wastewater or not. Each user must notify the general manager of any significant changes to the user's operations or system that might alter the nature, quality or volume of its wastewater at least 30 days before the anticipated change.

(B) *Approval required for industrial wastes.*

(1) In order to control the admission of industrial waste, the discharge into any sanitary sewer of any industrial waste having the following characteristics shall be prohibited unless an industrial wastewater discharge permit is obtained:

- (a) A daily average BOD concentration greater than 300 mg/l;
- (b) A daily average suspended solids concentration greater than 350 mg/l;
- (c) An average daily flow greater than 25,000 gallons per day of process wastewater;
- (d) Any toxic pollutant that is found in concentrations greater than found in domestic sewage; or

(e) Any wastes which are considered by the general manager to offer possibilities of harm to structures, processes or operation of the sewage works or to have significant impact, either singly or in combination with other contributing industries, on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system.

(2) Industries defined as significant industrial users shall be permitted and/or regulated in accordance with the federal pretreatment requirements of 40 C.F.R. Chapter I, Subchapter N. Permits shall be granted by the City of York upon the review and approval of the general manager. The City of York reserves the right to deny new or existing contributions to the system if, because of the volume or characteristics, such wastes are determined by the City of York to be detrimental to the operation of the sewage works or have the potential to cause or contribute to the violation of any laws, regulations, orders or permit conditions applicable to the borough or the City of York or the York City Sewer Authority.

(C) *Survey data required.* All persons who are now discharging, or are planning to discharge, industrial wastes into any sanitary sewer shall upon the request of the general manager or his or her designee, complete and file with the general manager, a permit application which furnishes pertinent data, inclusive of quantity of flow and analysis of the industrial wastes discharged, as set forth in division (D) below. Any person desiring to make a new connection, a new discharge, or a significant change in the volume, nature or rate of a discharge, shall complete and file with the general manager a permit application which furnishes pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewage works as set forth in division (D) below. Such permit application shall be submitted at least 120 days before the expected or change in discharge is to occur.

(D) *Industrial wastewater discharge permit application.*

(1) In order to receive a permit to discharge wastes requiring approval under division (B) above, a completed permit application shall be filed with the general manager.

(2) Information required for industrial users includes, but is not limited to:

- (a) Identifying and contact information, including the facility name, address, and name of operator and owner;
- (b) Operation information including a description of activities, facilities and plant production processes, production rates for the types of products and/or processes, number of employees and hours of operation. A schematic process diagram, facility site plans, floor plans, mechanical plans and plumbing plans may be required;
- (c) A list of any state, federal or local environmental control permits held by or for the facility;
- (d) The type and amount of raw materials and chemicals used or stored at the facility and the types and quantities of wastes generated;
- (e) The time and duration of discharges from all processes, and the location(s) for monitoring all wastes, including, process flow measurements and wastewater flow measurement, and incoming water flow measurement and records;
- (f) Results of wastewater sampling and analysis that identifies the nature and concentration (or mass) of pollutants; and
- (g) A baseline monitoring report if the industrial user is subject to categorical standards and a description of any best

## Appendix M (North York)

management practices that will be utilized.

(3) Any person discharging industrial wastes into any sanitary sewer at the time of passage of this subchapter and requiring a permit shall apply within 90 days after the effective date of this subchapter. All such persons are considered to have a valid permit until such time as the city shall act upon the permit application. It shall be the duty of the industrial and commercial user to maintain operations in compliance with federal, state and local regulations.

(4) The applicant shall submit to the general manager with the permit application a nonrefundable permit application fee made payable to the City of York. Such fee shall be assessed in accordance with a schedule established by resolution of the Council of the City of York.

(5) No permit shall be granted to any person unless he or she agrees to indemnify and to save the borough, the City of York, its officers, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by reason of the permitted waste disposal activity. An indemnification and release shall be part of the permit application.

(E) *Permit conditions and contents.* Industrial wastewater discharge permits shall be expressly subject to all provisions of this subchapter and all other applicable state, federal and local regulations, and user charges and fees established by the borough or the City of York. Where federal pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, these requirements and limits become part of the permit whether or not they are stated in the permit. The City of York and the borough reserve the right to establish by ordinance or wastewater discharge permit, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this subchapter. Permits may contain, but are not limited to, the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics, including best management practices;
- (2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- (3) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement and other devices, and the calibration of such devices;
- (4) Specifications for self-monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (5) Compliance schedules;
- (6) Requirements for submission of compliance reports, self-monitoring reports and technical reports or discharge reports;
- (7) Requirements for maintaining and retaining records relating to wastewater discharge for a period of not less than three years, including records documenting best management practices compliance, and affording the borough and the City of York access thereto;
- (8) Requirements for notification to the borough and the City of York of any new introduction of industrial wastes, potential problems or slug discharges, or substantial change in the volume or character of the industrial wastes being introduced into any sanitary sewer;
- (9) Requirements for submission of spill prevention plans, slug discharge control plans and/or requirements to control slug discharges, and implementation of best management practices (BMPs) necessary to adequately prevent accidental, unanticipated or non-routine discharges;
- (10) Requirements for installation of means to prevent spills of hazardous materials, untreated waste, raw materials, intermediates or product into the sewage works;
- (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 treatment works;
- (12) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (13) Other conditions as deemed appropriate by the borough or the City of York to ensure compliance with this subchapter, and state and federal laws, rules and regulations; and
- (14) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, permit and ordinance requirements and any applicable compliance schedule.

(F) *Compliance with permits.*

(1) Permit holders shall comply with the conditions of the permit and failure to do so constitutes a violation of this subchapter.

(2) Should a permit holder significantly change the volume of its discharge or change its character for any reason, he or she shall immediately notify the general manager of such changes and the general manager may require an application for a new permit.

## Appendix M (North York)

(3) A permit may be suspended or revoked in whole or in part, or modified, by the general manager for cause including, but not limited to, the following:

(a) Violation of any terms or conditions of the permit;

(b) Obtaining the permit by misrepresentation or failure to disclose fully all relevant facts; and

(c) A change in any condition, including, but not limited to, changes in state or federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.

(4) All categorical industrial users are required to be regulated in accordance with federal pretreatment regulations.

(G) *Permit duration and evaluation.* An industrial wastewater discharge permit shall be issued for a specified time period not to exceed three years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than three years at the discretion of the general manager. A permit holder shall apply for permit reissuance by submitting a complete permit application a minimum of 120 days prior to the expiration of the existing permit. The general manager will evaluate the data furnished by the user and may require additional information. The terms and conditions of the permit may be subject to modification by the borough or the City of York during the term of the permit should changes in federal pretreatment regulations occur, changes at the facility occur, or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The general manager may deny any application for a wastewater discharge permit. All wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user. Wastewater discharge permits shall be void upon cessation of operations.

(H) *Permit issuance procedures.* A permit shall be issued with a minimum 30-day comment period between the issuance date and effective date. The permit holder may submit written comments on the permit conditions during the comment period for review and response by the general manager. The permit may be modified by the general manager in response to comments. Upon the expiration of the comment period, on the effective date of the permit, the permit shall become effective, subject to the right of appeal as set forth in § 51.36.

(I) *Permit transfer.* Industrial wastewater discharge permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, sold, applied to different premises or a new or changed operation without the written approval of the general manager.

(J) *Pretreatment.* All persons using the sewage works shall provide wastewater treatment as required to comply with this subchapter and with all federal pretreatment standards, requirements and prohibitions within the time limitations specified by federal regulation or other limits that may from time to time be set by regulatory agencies.

(1) 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 general manager before such facilities are constructed. The submission 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 POTW under the provisions of this subchapter.

(2) Whenever deemed necessary, the general manager 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 subchapter.

(3) The general manager may require any person discharging into the POTW to install and maintain, on his or her property and at his or her expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.

(4) Users with the potential to discharge substances harmful to the POTW, which includes the sewer system, (i.e., flammable substances, corrosive substances) may be required to install and maintain detection meters or monitoring devices.

(K) *Certification of reports.*

(1) Any person signing a permit application, baseline monitoring report, periodic self-monitoring report, questionnaire, compliance schedule, BMP submission or documentation, final compliance report, periodic compliance report and any other required report shall make the following certification and be signed in accordance with the signatory requirements of division (R) below:

"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) A facility determined to be a non-significant categorical industrial user by the general manager must annually submit the federally required certification statement regarding non-significant categorical industrial users and be signed in accordance with the signatory requirements of division (R) below.

## Appendix M (North York)

(L) *Sampling and analysis.* The holder of an industrial wastewater discharge permit shall furnish the general manager with written and signed reports of sample analysis at a frequency specified in the industrial wastewater discharge permit. Data used to satisfy reporting requirements must be based on samples collected during the reporting period and must be representative of conditions during the reporting period.

(1) If a user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the general manager, the results of the monitoring shall be submitted to the City of York.

(2) Samples to be used for surcharge purposes shall be composite samples and be representative of the discharge from the facility. Grab samples may be used for surcharge purposes where the physical set-up of the facility so dictates or wastewater is collected over a period of time and is discharged as a daily basis or less frequent batch basis. Grab samples that may represent an unusual discharge from the facility may be used for surcharge purposes for the period of time and volume such discharges occurred.

(3) 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) Samples shall be collected, preserved and analyzed promptly, in accordance with 40 C.F.R. Part 136 to ensure accurate results. If 40 C.F.R. Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the 40 C.F.R. Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods approved by the EPA. Pennsylvania laboratories or facilities that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this subchapter or pretreatment standard shall be in compliance with the laboratory accreditation requirements of Act 90 of 2002 (27 Pa.C.S. §§ 4101 through 4113) or the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation. Laboratories or testing facilities outside of the state that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this subchapter or pretreatment standard shall be in compliance with the laboratory accreditation requirements of the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation.

(5) The borough or the City of York representatives may sample and inspect the waste by composite sample or by grab sample in order to verify the analysis being submitted by the industry. If the results obtained by the borough or the City of York differ from those obtained by the industrial user, the borough or the City of York will notify the industrial user and conduct confirmatory sampling and/or investigate the sampling, preservation and testing methods employed.

(6) No person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW.

(7) If sampling performed by a user indicates a violation, the user must notify the general manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the general manager within 30 days after becoming aware of the violation. Where the borough or the City of York has performed the sampling and analysis in lieu of the user, the borough or the City of York must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if the borough or the City of York performs sampling of the user between the time when the initial sampling was conducted and the time when the user, the borough or the City of York receives the results of this sampling.

(M) *Control manhole.* Any significant industrial user, and any other industrial user that the general manager deems, discharging industrial wastes into any sanitary sewer shall construct and maintain at its expense a suitable control manhole, or manholes, downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be placed at suitable locations to provide safe access and representative sampling. The control manhole shall comply with applicable construction standards and specifications in accordance with the general manager's requirements and shall be constructed and maintained in such a manner to enable the placement of sampling equipment and to enable the general manager to perform monitoring activities. The control manhole shall be accessible to the general manager or his or her representatives at all times for sampling, and shall not be obstructed or located within secure areas such that the general manager cannot gain unrestricted access.

(N) *Slug discharge.*

(1) The person in charge of a facility shall notify the general manager or his or her designated representative immediately in the case of any upset, slug discharge or other discharge of unusual strength, volume or other characteristics, whether or not such discharge is in violation of the wastewater discharge permit. In such a case, in addition to the immediate report, the user shall submit a written report within five days of the incident specifying:

(a) Description of the upset, the cause thereof and the upset's impact on a user's compliance status;

(b) Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance continues, the time by which compliance is reasonably expected to occur; and

(c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.

(2) Whenever changes are made at a facility that may affect the potential for a slug discharge to occur, the user shall notify the general manager in advance, if possible, or within 24 hours of making such changes.

## Appendix M (North York)

(O) *Slug discharge control plans.* The general manager shall evaluate whether each significant industrial user needs a slug discharge control plan or other action to control slug discharges. Such evaluation shall occur within one year of an industrial user being identified as significant. The general manager may require any user to develop, submit for approval and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the general manager may develop such a plan for any user. The POTW may choose to require a significant industrial user to take specific, preventative physical or procedural actions instead of requiring the development of a slug control plan. Such preventative actions and any slug control plan development requirements shall be included in the SIU's control mechanism. Any changes at a user's facility can cause the general manager to re-evaluate the need for a slug control plan. An accidental discharge/slug discharge control plan shall address, at a minimum, the following, in addition to any other items the general manager may determine:

- (1) Description of discharge practices, including non-routine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the general manager of any accidental or slug discharges, as required by division (N) above; and
- (4) Procedures to prevent adverse impact from any accidental spills 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 run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents) and/or measures and equipment for emergency response.

(P) *Fees for sampling, analyses and inspections.* The borough, the City of York or its designated agent shall inspect properties discharging waste other than domestic wastewater into the sewage works and obtain and analyze samples therefrom to enforce provisions of this subchapter, to comply with local, state and federal requirements, and to determine applicable surcharges. Fees for such services shall be assessed in accordance with a schedule established by administrative order based on costs. Fees for such services provided by independent laboratories shall be invoiced at cost.

(Q) *Spill prevention plans.* Any person storing any material in excess of the threshold planning quantity established by SARA III, the Emergency Planning and Community Right to Know Act, shall submit a spill prevention, control and countermeasure plan addressing the potential of an accidental discharge to the sewer system to the general manager for review and approval. Any industrial user storing flowable solids in bulk in excess of 500 pounds, or any liquids in excess of 100 gallons (except for water and heating oil stored for use on the premises), shall report this to the general manager annually, including the quantity and nature of each such material, and shall develop and submit a spill prevention, control and countermeasure plan if so directed by the general manager.

(R) *Signatory requirements.* Industrial user reports and submissions requiring signature and certification, which include, but are not limited to, permit applications, industrial questionnaires, baseline monitoring reports, compliance schedules, BMPs, final compliance reports and periodic compliance reports, shall be signed by an authorized or duly authorized representative as follows:

- (1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this division (R)(1) a responsible corporate officer means:
  - (a) A president, secretary, treasurer or vice-president of the corporation in charge of a principle business function, or any other person who performs similar policy or decision-making functions for the corporation; or
  - (b) The manager of one or more manufacturing, production or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively;
- (3) By a duly authorized representative of the individual designated in divisions (R)(1) or (R)(2) above if:
  - (a) The authorization is made in writing by the individual described in divisions (R)(1) or (R)(2) above;
  - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial 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 general manager of the POTW.
- (4) If an authorization under division (R)(3) above 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 authorization satisfying the requirements of division (R)(3) above must be submitted to the general manager of the POTW prior to or together with any reports to be signed by an authorized representative.

## Appendix M (North York)

### (S) *Hauled wastewater.*

(1) The general manager may prohibit or accept the disposal of hauled industrial or non-industrial wastewater to the POTW. In no case shall any hazardous waste as that term is defined by the Resource Conservation and Recovery Act be discharged as hauled waste. Hauled or trucked wastewater may be introduced into the POTW only at locations designated by the general manager, and at such times as are established by the general manager. The general manager may refuse a hauler or generator the ability to discharge a particular hauled wastewater load if it cannot be determined that the load will not violate the requirements of this subchapter or any federal or state pretreatment or waste requirements, or cause interference, pass-through or biosolids contamination. The discharge of hauled wastewater is subject to all other requirements of this subchapter and applicable state and federal laws. The general manager may develop procedures to ensure compliance with this subchapter and state and federal requirements.

(2) The general manager may require the haulers and/or generators of hauled or trucked industrial or non-industrial wastewater to obtain wastewater discharge permits.

(3) No individual load may be discharged into the POTW without the prior consent of the general manager. The issuance of a permit to a hauler or generator does not constitute consent to discharge nor guarantee the ability to discharge any particular load. The general manager may collect samples of each hauled load to ensure compliance with this subchapter, any federal pretreatment standards and state and federal law. The general manager may require the industrial wastewater hauler to provide a waste analysis of any load prior to discharge.

(4) Industrial wastewater 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.

(T) *Additional measures.* Whenever deemed necessary, the general manager may require users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specified 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/or determine the user's compliance with the requirements of this subchapter or the user's permit.

(U) *Reports from unpermitted users.* All industrial or commercial users not required to obtain a wastewater discharge permit shall provide appropriate reports to the general manager as the general manager may require.

(V) *Compliance schedules.* The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 C.F.R. § 403.12:

(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 above shall exceed nine months; and

(3) The user shall submit a progress report to the general manager 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 to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the user to return construction to the established schedule. In no event shall more than nine months elapse between such progress reports to the general manager.

(W) *Reports on compliance with categorical pretreatment standard deadline.*

(1) The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 C.F.R. § 403.12.

(2) 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 industrial user subject to pretreatment standards and requirements shall submit to the general manager a report containing the information required for a baseline report required under 40 C.F.R. § 403.12(b)(4) through (b)(6). For industrial users subject to equivalent mass or concentration limits established by the borough or the City of York in accordance with the requirements of 40 C.F.R. § 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

(2006 Code, § 18-204) (Ord. 2010-1, passed 12- -2010) Penalty, see §51.99

ARTICLE XIII  
**Specific Regulations**

**§ 250-73. Definitions.**

The following words and terms, when used in this Part 3, shall have the following meanings, unless the context clearly indicates otherwise. Definitions not found in this article may be found in 40 CFR Chapter I, Subchapter N.

**ACT** — The Federal Water Pollution Control Act, also known as the "Clean Water Act," as amended 33 U.S.C. § 1251 et seq.

**BEST MANAGEMENT PRACTICE or BMPs** — Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the general and specific prohibitions listed in § 250-74 and 40 CFR 403.5(a)(1) and (b). 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.

**BOD (BIOCHEMICAL OXYGEN DEMAND)** — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in terms of weight and concentration [milligrams per liter (mg/l)].

**CATEGORICAL PRETREATMENT STANDARDS or CATEGORICAL STANDARD** — Any regulation containing pollutant discharge limits set forth by the EPA that apply to a specific category of industrial users and that appear in 40 CFR Chapter I, Subchapter N.

**CFR** — The Code of Federal Regulations.

**COMMERCIAL WASTES** — The wastes generated from a commercial operation as distinct from domestic and industrial sewage.

**COMPOSITE SAMPLE** — A combination of individual samples obtained at regular intervals over the period of discharge. Whenever practical, composite samples shall be proportionate to flow rate so as to be representative of the discharge during the period of sampling. When an industrial waste discharge is collected over a period of time and discharged as a daily basis or less frequent batch, a single sample from the batch shall be considered a composite sample for purposes of this Part 3.

**DAILY DISCHARGE** — The discharge of a pollutant measured during a calendar day or any twenty-four-hour period that reasonably represents the calendar day for purposes of sampling. For pollutants with limitations expressed in units of mass, the "daily discharge" is calculated as the total mass of the pollutant discharged over the day.

## Appendix M (Spring Garden)

§ 250-73

§ 250-73

For pollutants expressed in other units of measurement (i.e., mg/l), except for pH, the "daily discharge" is calculated as the arithmetic average measurement of the pollutant derived from all measurements taken that day or by the measurement of a composite sample taken that day.

**DISCHARGE** — Indirect discharge.

**DOMESTIC SEWAGE** — The waterborne waste derived from ordinary living processes.

**EXISTING SOURCE** — Any source of discharge that is not a new source.

**GARBAGE** — Solid waste from the preparation, cooking and dispensing of food, and from the handling, storage and sale of produce.

**GARBAGE GRINDER** — A mechanical device that shreds or grinds food into small particles for the purpose of sewage disposal.

**GENERAL MANAGER** — The General Manager of the City of York Wastewater Treatment Plant or his duly authorized representatives or designees.

**GRAB SAMPLE** — An individual sample that is taken from a waste stream without regard to the flow in the waste stream and over a period of time not to exceed 15 minutes.

**GROUND GARBAGE** — The residue from the preparation, cooking and dispensing of food that has been shredded to such degree that all particles shall be carried freely in suspension under the normal flow conditions prevailing in the sewer conduit to which they are contributory and those prevailing in public sewers with no particle greater than 1/2 inch in any dimension.

**INDIRECT DISCHARGE or DISCHARGE** — The introduction of pollutants into the POTW from any nondomestic source.

**INDUSTRIAL USER** — Any user that discharges industrial wastes.

**INDUSTRIAL WASTES** — The wastes from industrial processes as distinct from domestic and commercial sewage.

**INSTANTANEOUS MAXIMUM CONCENTRATION** — The concentration not to be exceeded at any time in any grab sample.

**INTERCEPTOR** — A device designed and installed so as to separate and retain deleterious, hazardous, or undesirable matter from normal wastes, while allowing normal sewage or wastes to discharge into the drainage system by gravity.

**INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

- A. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
- B. Therefore is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent state or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA), [Including Title II, more commonly referred to as the "Resource Conservation and Recovery Act" (RCRA), and including state regulations contained in any state sludge management plan prepared pursuant to Subtitle D of the SWDA], the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act [40 CFR 403.3(k)].

**LOCAL LIMIT** — Specific discharge limits developed and enforced by the City of York upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b). Local limits are found at § 250-74B(2), (6) and (13).

**MAXIMUM DAILY LIMIT** — The highest allowable daily discharge of a pollutant.

**MG/L** — Milligrams per liter.

**MONTHLY AVERAGE** — The sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**MONTHLY AVERAGE LIMIT** — The highest allowable average of daily discharges over a calendar month, calculated as the sum of all daily discharges measured during a calendar month divided by the number of daily discharges measured during that month.

**NEW SOURCE** — Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Clean Water Act if such standards are thereafter promulgated in accordance with that section (provided that certain conditions dealing with the construction and siting of that source vis-a-vis other sources are met) [40 CFR 403.3(m)(1)].

## Appendix M (Spring Garden)

§ 250-73

§ 250-73

**PASS-THROUGH** — A discharge which exits the POTW into waters of the United States in quantities or concentrations that alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation), [40 CFR 403.3(p)].

**PERSON** — Any individual, 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; the singular shall include the plural where indicated by the context.

**pH** — The logarithm (base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. It is a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

**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 a POTW. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

**PRETREATMENT REQUIREMENTS** — Any substantive or procedural requirement related to pretreatment, other than a national pretreatment standard, imposed on an industrial user.

**PRETREATMENT STANDARDS or STANDARDS** — Categorical standards, standards established by 40 CFR 403.5(b), and local limits.

**PUBLICLY OWNED TREATMENT WORKS or POTW** — A treatment works as defined by section 212 of the Act, which is owned by a state or municipality [as defined by Section 502(4) of the Act]. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality, as defined in Section 502(4) of the Act, that has jurisdiction over the indirect discharges to and the discharges from such a treatment work [40 CFR 403.3(q)].

**SANITARY SEWER** — A sewer that carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

**SEWAGE** — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with such groundwaters, surface waters and stormwaters as may be present.

**SEWAGE WORKS** — All facilities for collection, pumping, treating and disposing of sewage. (See "Publicly Owned Treatment Works" or "POTW.")

**SIGNIFICANT INDUSTRIAL USER (SIU)** —

A. Except as provided in Subsection B and C of this definition:

- (1) An industrial user subject to categorical pretreatment standards; or
- (2) An industrial user that:
  - (a) Discharges an average of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater);
  - (b) Contributes a process waste stream which makes up 5% or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the City of York on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

## Appendix M (Spring Garden)

§ 250-73

§ 250-73

- B. The General Manager may determine that an industrial user subject to categorical pretreatment standards is a nonsignificant categorical industrial user rather than a significant industrial user on a finding that the industrial user never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the pretreatment standard) and the following conditions are met:
- (1) The industrial user, prior to the General Manager's finding, has consistently complied with all applicable categorical pretreatment standards and requirements;
  - (2) The industrial user annually submits the certification statement required in 40 CFR 403.12(q), together with any additional information necessary to support the certification statement; and
  - (3) The industrial user never discharges any untreated concentrated wastewater.
- C. Upon a finding that a user meeting the criteria in Subsection A(2) of this definition has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the General Manager may, at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with procedures in federal pretreatment requirements of 40 CFR Chapter I, Subchapter N, determine that such user should not be considered a significant industrial user.

**SLUG or SLUG DISCHARGE** — Any discharge at a flow rate or concentration that could cause a violation of the prohibited discharge standards in § 250-74 of this Part 3. A slug discharge is any discharge of a nonroutine, episodic nature, including but not limited to an accidental spill or a noncustomary batch discharge, which has a reasonable potential to cause interference or pass-through, or in any other way violate the POTW's regulations, local limits or permit conditions.

**STORM SEWER or STORM DRAIN** — A sewer that carries stormwaters and surface waters and drainage, but excludes sewage and polluted industrial wastes.

**STORMWATER** — Stormwater runoff, snowmelt runoff, and surface runoff and drainage.

§ 250-73

§ 250-74

**SUSPENDED SOLIDS** — The total nonfilterable residue retained on a glass fiber filter, 0.45 micron, and dried at a temperature of 103° C. to 105° C. to a constant weight.

**TOXIC POLLUTANT** — Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other acts.

**TREATMENT PLANT** — The City of York Wastewater Treatment Plant, 1701 Black Bridge Road, York, PA 17402.

**UPSET** — An exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation [40 CFR 403.16(a)].

**USER** — A source of indirect discharge.

**WASTEWATER** — Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

**§ 250-74. Prohibited wastes.**

- A. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff or substance drainage into any sanitary sewer. Swimming pool drainage shall be allowed, provided that the Pennsylvania Department of Environmental Protection swimming pool water discharge guidelines are followed, including dechlorination and neutralization of water prior to discharge to an on-site sanitary sewer cleanout. The addition of cooling water or unpolluted water or an increase in the use of process water for the purpose of reducing the concentrations of substances that are limited or prohibited by this article or federal pretreatment standard or requirement shall be prohibited. No user shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The General Manager may impose mass limitations on users who are using dilution to meet applicable pretreatment

## Appendix M (Spring Garden)

§ 250-74

§ 250-74

standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

- B. Except as hereinafter provided, no person shall discharge or ~~cause to be discharged at any time any of the following described~~ wastes or waters into any sanitary sewer or drain connected therewith. Pollutants, substances or wastewaters prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.
- (1) Any liquid or vapor having temperature that shall inhibit biological activity in the treatment plant resulting in an inhibition or disruption of the treatment plant process, but in no case wastewater with a temperature that, upon reaching the treatment plant, exceeds 40° C. (104° F.) or that, upon reaching the public sewer, exceeds 49°C. (120° F.).
  - (2) Any water or waste containing more than 100 mg/l by weight of total hexane-extractible materials, commonly referred to as "oil and grease," as per EPA Method 1664.
  - (3) Any garbage that is not ground garbage.
  - (4) Any ashes, cinders, sand, mud, straw, hay scraps, rags, shavings, metal, glass, bones, feathers, rubber, tires, plastic, wood, paunch manure, butchers' offal, grease or solid fat, floating oil or any other solids or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.
  - (5) Any water or waste having at any time a pH lower than 5.5 or higher than 11.0 or having any corrosive property capable of causing damage or hazards to structures, equipment or personnel or the sewage works or affecting the biological treatment of the waste.
  - (6) Any water or waste containing any substances in excess of the following concentrations, provided that the General Manager may waive this requirement on a case-by-case basis to impose an equivalent mass discharge limit when an industrial user implements water conservation measures: **[Amended 3-14-2012 by Ord. No. 2012-09]**

<b>Substances</b>	<b>Daily Discharge Limit (mg/l)</b>
Arsenic, total	0.2
Cadmium, total	0.16
Chromium, total	0.9
Copper, total	1.3
Cyanide, total	0.6
Lead, total	0.34
Mercury, total	0.05
Molybdenum, total	3.0
Nickel, total	1.5
Selenium, total	0.5
Silver, total	1.3
Zinc, total	3.7

- (7) Any water or waste containing pollutants of such character and quantity that unusual attention or expense is required to handle such materials at the wastewater treatment plant, unless a permit is obtained in accordance with § 250-75.
- (8) Any water or waste containing any pollutant, including oxygen demanding pollutants (BOD, etc.), released at a flow rate and/or pollutant concentration that, either singly or by interaction with other pollutants, causes interference or pass-through.
- (9) Any toxic radioactive isotopes, without special permit. Biomedical waste disposal in accordance with 10 CFR Part 20, Standards for Protection Against Radiation, is permitted.
- (10) Any substance that may form a deposit tending to cause a stoppage or to injure, in any way, the sewage works.
- (11) Any tar or by-products from any gas works or similar establishment.
- (12) Any infectious waste, which is defined as any substance that consists of or is contaminated by pathogens or other etiologic agents, and that has not been sterilized, neutralized, or otherwise rendered harmless. Infectious waste includes, but is not limited to: contaminated blood, blood products or other bodily fluids (excepting excreta discharged by normal bodily

## Appendix M (Spring Garden)

§ 250-74

§ 250-74

functions); wastes, including excreta, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.

- (13) Any water or waste by any person having any average daily discharge to the sewage works of more than 5,000 gallons per day with a daily average concentration of more than 3,000 mg/l of BOD.
  - (14) Pollutants that create a fire or explosion hazard in the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140° F. or 60° C. using the test methods specified in 40 CFR 261.21.
  - (15) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through.
  - (16) Pollutants that 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.
  - (17) Any trucked or hauled pollutants, except at discharge points designated in writing by the General Manager of the POTW.
  - (18) Noxious or malodorous liquids, gases, solids, or other wastewater that, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or that prevent entry into the sewers for maintenance or repair.
  - (19) Wastewater that imparts color that cannot be removed by the POTW treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent.
  - (20) Sludges, screenings, or other residues from the pretreatment of industrial wastes.
  - (21) Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW or its effluent.
- C. The federal pretreatment regulations do not allow a waiver of pretreatment standards, or local limits, for categorical industrial users. The City of York hereby incorporates by reference all federal categorical pretreatment standards at 40 CFR Chapter I,

Subchapter N, as if they were fully set forth herein, and such standards shall be the standards applied under this Part 3 to the appropriate classes of industrial user.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the General Manager may impose equivalent concentration or mass limits as allowed by federal pretreatment regulation.
- (2) When the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutant per unit of production, the General Manager may convert the limits to equivalent limitations expressed either as a mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual industrial users.
- (3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the General Manager shall impose an alternate limit in accordance with 40 CFR 403.6(e).
- (4) A categorical industrial user may obtain a net/gross adjustment to a categorical pretreatment standard in accordance with the requirements of 40 CFR 403.15.
- (5) When a categorical pretreatment standard is expressed only in terms of pollutant concentrations, an industrial user may request that the General Manager convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the General Manager. The General Manager may establish equivalent mass limits only if the industrial user meets all of the requirements of 40 CFR 403.6(c)(5)(i)(A) through 40 CFR 403.6(c)(5)(i)(E).
- (6) The General Manager may, at his discretion, convert the mass limits of the categorical pretreatment standards of 40 CFR Part 414, 419 and 455, and other parts as the EPA may amend from time to time, to concentration limits for the purposes of calculating limitations applicable to individual industrial users. The industrial user shall meet the requirements of 40 CFR 403.6(d) regarding dilution and 40 CFR 403.17 regarding bypass, and, for those industrial users that mix process effluent prior to treatment with wastewater other than those generated by the regulated process, shall provide

## Appendix M (Spring Garden)

§ 250-74

§ 250-75

information regarding the pollutant concentrations and wastes stream flows at the sample point.

- (7) Once included in its permit, the industrial user must comply with the equivalent limitations developed in this section in lieu of the promulgated categorical standards from which the equivalent limitations were derived.
  - (8) Many categorical pretreatment standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum monthly average, or four-day average, limitations. Where such standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitations.
  - (9) Any industrial user operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based standard shall notify the General Manager within two business days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not notifying the General Manager of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long-term average production rate.
  - (10) The General Manager may impose mass limitations in addition to concentration limitations. The General Manager may approve accepting discharges from a permitted industrial user that are of unusual strength or character based on water conservation or other resource conservation measures employed by the industrial user. Mass limitations may be determined where allowed by federal and local regulations, such as converting concentrations to mass, allocating maximum allowable headworks loadings or any other method deemed appropriate.
- D. The General Manager may develop best management practices (BMPs) in individual wastewater discharge permits to implement local limits, the requirements of Subsection B and 40 CFR 403.5(a)(1) and (b), and certain established categorical pretreatment standards and effluent limits.

### § 250-75. Industrial wastes.

- A. Treatment of industrial wastes. This Part 3 sets forth uniform requirements for users of the publicly owned treatment works and enables the POTW to comply with all applicable state and federal laws, including the Clean Water Act (33 U.S.C. § 1251 et seq.) and federal pretreatment standards and requirements (40 CFR Chapter I, Subchapter N). The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. However, not all types and quantities of industrial wastes can be so treated. Hence it shall be the established policy of the City of York to admit those types and quantities of industrial wastes that are not harmful or damaging to the structures, processes or operation of the sewage works or are not specifically prohibited by this Part 3. It is also recognized that to provide this service, additional facilities are required, the cost of which shall be borne by those persons receiving benefits. Additionally, the City of York and industry shall comply with federal pretreatment regulations. To correctly evaluate such users or potential users, all facilities that would otherwise be subject to categorical pretreatment regulations must submit a complete wastewater permit application at least 90 days before the commencement of operations, regardless of whether the facility intends to discharge wastewater or not. Each user must notify the General Manager of any significant changes to the user's operations or system that might alter the nature, quality or volume of its wastewater at least 30 days before the anticipated change.
- B. Approval required for industrial wastes.
- (1) In order to control the admission of industrial waste, the discharge into any sanitary sewer of any industrial waste having the following characteristics shall be prohibited unless an industrial wastewater discharge permit is obtained:
- (a) A daily average BOD concentration greater than 300 mg/l; or
  - (b) A daily average suspended solids concentration greater than 350 mg/l; or
  - (c) An average daily flow greater than 25,000 gallons per day of process wastewater; or
  - (d) Any toxic pollutant that is found in concentrations greater than found in domestic sewage; or
  - (e) Any wastes that are considered by the General Manager to offer possibilities of harm to structures, processes, or

operation of the sewage works or to have significant impact, either singly or in combination with other contributing industries, on the treatment process, the quality of sludge, the system's effluent quality or air emissions generated by the system.

- (2) Industries defined as "significant industrial users" shall be permitted and/or regulated in accordance with the federal pretreatment requirements of 40 CFR Chapter I, Subchapter N. Permits shall be granted by the City of York upon the review and approval of the General Manager. The City of York reserves the right to deny new or existing contributions to the system if, because of the volume or characteristics, such wastes are determined by the City of York to be detrimental to the operation of the sewage works or have the potential to cause or contribute to the violation of any laws, regulations, orders or permit conditions applicable to the City of York or the York City Sewer Authority.
- C. Survey data required. All persons who are now discharging, or are planning to discharge, industrial wastes into any sanitary sewer shall, upon the request of the General Manager or his designee, complete and file with the General Manager a permit application that furnishes pertinent data, inclusive of quantity of flow and analysis of the industrial wastes discharged, as set forth in Subsection L hereof. Any person desiring to make a new connection, a new discharge, or a significant change in the volume, nature, or rate of a discharge, shall complete and file with the General Manager a permit application that furnishes pertinent or predicted data inclusive of quantity of flow and an analysis of the industrial waste to be discharged into the sewage works as set forth in Subsection L hereof. Such permit application shall be submitted at least 120 days before the expected discharge or change in discharge is to occur.
- D. Industrial wastewater discharge permit application.
- (1) In order to receive a permit to discharge wastes requiring approval under Subsection B, a completed permit application shall be filed with the General Manager. Information required for industrial users includes, but is not limited to:
- (a) Identifying and contact information, including the facility name, address, and name of operator and owner.
  - (b) Operation information, including a description of activities, facilities and plant production processes,

production rates for the types of products and or processes, number of employees, and hours of operation. A schematic process diagram, facility site plans, floor plans, mechanical plans and plumbing plans may be required.

- (c) A list of any state, federal or local environmental control permits held by or for the facility.
  - (d) The type and amount of raw materials and chemicals used or stored at the facility and the types and quantities of wastes generated.
  - (e) The time and duration of discharges from all processes, and the location(s) for monitoring all wastes, including process flow measurements and wastewater flow measurement, and incoming water flow measurement and records.
  - (f) Results of wastewater sampling and analysis that identifies the nature and concentration (or mass) of pollutants.
  - (g) A baseline monitoring report if the industrial user is subject to categorical standards and a description of any best management practices that will be utilized.
- (2) Any person discharging industrial wastes into any sanitary sewer at the time of passage of this Part 3 and requiring a permit shall apply within 90 days after the effective date of this Part 3. All such persons are considered to have a valid permit until such time as the City shall act upon the permit application. It shall be the duty of the industrial and commercial user to maintain operations in compliance with federal, state and local regulations.
- (3) The applicant shall submit to the General Manager with the permit application a nonrefundable permit application fee made payable to the City of York. Such fee shall be assessed in accordance with a schedule established by resolution of the Council of the City of York.
- (4) No permit shall be granted to any person unless he agrees to indemnify and to save the City of York, its officers, employees and agents harmless from any and all claims, costs, damages and liabilities which may accrue or be claimed to accrue by reason of the permitted waste disposal activity. An

## Appendix M (Spring Garden)

§ 250-75

§ 250-75

indemnification and release shall be part of the permit application.

- E. Permit conditions and contents. Industrial wastewater discharge permits shall be expressly subject to all provisions of this Part 3 and all other applicable state, federal and local regulations, and user charges and fees established by the City of York. Where federal pretreatment regulations impose additional requirements or more stringent limits than those stated in the permit, these requirements and limits become part of the permit, whether or not they are stated in the permit. The City of York reserves the right to establish by ordinance or wastewater discharge permit more stringent standards or requirements on discharges to the POTW consistent with the purpose of this Part 3. Permits may contain, but are not limited to, the following:
- (1) Limits on the average and maximum wastewater constituents and characteristics, including best management practices.
  - (2) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - (3) Requirements for the installation and maintenance of inspection and sampling facilities and equipment, including flow measurement and other devices, and the calibration of such devices;
  - (4) Specifications for self-monitoring programs that may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
  - (5) Compliance schedules.
  - (6) Requirements for submission of compliance reports, self-monitoring reports and technical reports or discharge reports.
  - (7) Requirements for maintaining and retaining records relating to wastewater discharge for a period of not less than three years, including records documenting best management practices compliance, and affording the City of York access thereto.
  - (8) Requirements for notification to the City of York of any new introduction of industrial wastes, potential problems or slug discharges, or substantial change in the volume or character of the industrial wastes being introduced into any sanitary sewer.

- (9) Requirements for submission of spill prevention plans, slug discharge control plans and/or requirements to control slug discharges, and implementation of best management practices (BMPs) necessary to adequately prevent accidental, unanticipated or nonroutine discharges.
- (10) Requirements for installation of means to prevent spills of hazardous materials, untreated waste, raw materials, intermediates or product into the sewage works.
- (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 treatment works.
- (12) Requirements for the development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
- (13) Other conditions as deemed appropriate by the City of York to ensure compliance with this Part 3, and state and federal laws, rules and regulations.
- (14) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, permit and ordinance requirements and any applicable compliance schedule.

F. Compliance with permits.

- (1) Permit holders shall comply with the conditions of the permit and failure to do so constitutes a violation of this Part 3.
- (2) Should a permit holder significantly change the volume of its discharge or change its character for any reason, he shall immediately notify the General Manager of such changes, and the General Manager may require an application for a new permit.
- (3) A permit may be suspended or revoked, in whole or in part, or modified by the General Manager for cause, including but not limited to the following:
  - (a) Violation of any terms or conditions of the permit.
  - (b) Obtaining the permit by misrepresentation or failure to disclose fully all relevant facts.

## Appendix M (Spring Garden)

§ 250-75

§ 250-75

- (c) A change in any condition, including but not limited to changes in state or federal regulations or changes in the treatment process that require either a temporary or permanent reduction or elimination of the permitted discharge.
  - (4) All categorical industrial users are required to be regulated in accordance with federal pretreatment regulations.
- G. Permit duration and evaluation. An industrial wastewater discharge permit shall be issued for a specified time period not to exceed three years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than three years at the discretion of the General Manager. A permit holder shall apply for permit reissuance by submitting a complete permit application a minimum of 120 days prior to the expiration of the existing permit. The General Manager will evaluate the data furnished by the user and may require additional information. The terms and conditions of the permit may be subject to modification by the City of York during the term of the permit should changes in federal pretreatment regulations occur, changes at the facility occur, or other just cause exists. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance. The General Manager may deny any application for a wastewater discharge permit. All wastewater discharge permits issued to a user are void upon the issuance of a new wastewater discharge permit to that user. Wastewater discharge permits shall be void upon cessation of operations.
- H. Permit issuance procedures. A permit shall be issued with a minimum thirty-day comment period between the issuance date and effective date. The permit holder may submit written comments on the permit conditions during the comment period for review and response by the General Manager. The permit may be modified by the General Manager in response to comments. Upon the expiration of the comment period, on the effective date of the permit, the permit shall become effective, subject to the right of appeal as set forth in § 250-87.2.
- I. Permit transfer. Industrial wastewater discharge permits are issued to a specific person for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, sold, applied to different premises or a new or changed operation without the written approval of the General Manager.

- J. Pretreatment. All persons using the sewage works shall provide wastewater treatment as required to comply with this Part 3 and with all federal pretreatment standards, requirements and prohibitions within the time limitations specified by federal regulation or other limits that may from time to time be set by regulatory agencies.
- (1) 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 General Manager before such facilities are constructed. The submission 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 POTW under the provisions of this Part 3.
  - (2) Whenever deemed necessary, the General Manager 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 waste streams from industrial waste streams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Part 3.
  - (3) The General Manager may require any person discharging into the POTW to install and maintain, on his or her property and at his or her expense, a suitable storage and flow-control facility to ensure equalization of flow. An individual wastewater discharge permit may be issued solely for flow equalization.
  - (4) Users with the potential to discharge substances harmful to the POTW, which includes the sewer system, (i.e., flammable substances, corrosive substances) may be required to install and maintain detection meters or monitoring devices.
- K. Certification of reports.
- (1) Any person signing a permit application, baseline monitoring report, periodic self-monitoring report, questionnaire, compliance schedule, BMP submission or documentation, final compliance report, periodic compliance report, and any other required report shall make the following certification and be signed in accordance with the signatory requirements of Subsection R:

"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) A facility determined to be a nonsignificant categorical industrial user by the General Manager must annually submit the federally required certification statement regarding nonsignificant categorical industrial users and be signed in accordance with the signatory requirements of Subsection R.
- L. Sampling and analysis. The holder of an industrial wastewater discharge permit shall furnish the General Manager with written and signed reports of sample analysis at a frequency specified in the industrial wastewater discharge permit. Data used to satisfy reporting requirements must be based on samples collected during the reporting period and must be representative of conditions during the reporting period.
- (1) If a user monitors any regulated pollutant at the appropriate sampling location more frequently than required by the General Manager, the results of the monitoring shall be submitted to the City of York.
  - (2) Samples to be used for surcharge purposes shall be composite samples and be representative of the discharge from the facility. Grab samples may be used for surcharge purposes where the physical setup of the facility so dictates or wastewater is collected over a period of time and is discharged as a daily basis or less frequent batch basis. Grab samples that may represent an unusual discharge from the facility may be used for surcharge purposes for the period of time and volume such discharges occurred.
  - (3) 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) Samples shall be collected, preserved and analyzed promptly, in accordance with 40 CFR Part 136, to ensure accurate results. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the 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 approved by the EPA. Pennsylvania laboratories or facilities that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this Part 3 or pretreatment standard shall be in compliance with the laboratory accreditation requirements of Act 90 of 2002 (27 Pa.C.S.A. §§ 4101 through 4113) or the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation. Laboratories or testing facilities outside of Pennsylvania that test or analyze environmental samples to demonstrate compliance with an industrial wastewater discharge permit, this Part 3 or pretreatment standard shall be in compliance with the laboratory accreditation requirements of the National Environmental Laboratory Accreditation Program (NELAP), relating to environmental laboratory accreditation.
- (5) City of York representatives may sample and inspect the waste by composite sample or by grab sample in order to verify the analysis being submitted by the industry. If the results obtained by the City of York differ from those obtained by the industrial user, the City of York will notify the industrial user and conduct confirmatory sampling and/or investigate the sampling, preservation, and testing methods employed.
- (6) No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, tamper with or prevent access to any structure, appurtenance or equipment, or other part of the POTW.
- (7) If sampling performed by a user indicates a violation, the user must notify the General Manager within 24 hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the General Manager within 30 days after becoming aware of the violation. Where the City of York has

performed the sampling and analysis in lieu of the user, the City of York must perform the repeat sampling and analysis unless it notifies the user of the violation and requires the user to perform the repeat analysis. Resampling is not required if the City of York performs sampling of the manhole between the time when the initial sampling was conducted and the time when the user or the City of York receives the results of this sampling.

- M. Control manhole. Any significant industrial user, and any other industrial user that the General Manager deems, discharging industrial wastes into any sanitary sewer shall construct and maintain at his or her expense a suitable control manhole or manholes downstream from any treatment storage, or other approved works, to facilitate observation, measurement and sampling of all wastes, including domestic sewage, from the establishment. The control manhole or manholes shall be placed at suitable locations to provide safe access and representative sampling. The control manhole shall comply with applicable construction standards and specifications in accordance with the General Manager's requirements and shall be constructed and maintained in such a manner as to enable the placement of sampling equipment and to enable the General Manager to perform monitoring activities. The control manhole shall be accessible to the General Manager or his representatives at all times for sampling and shall not be obstructed or located within secure areas such that the General Manager cannot gain unrestricted access.
- N. Slug discharge.
- (1) The person in charge of a facility shall notify the General Manager or his designated representative immediately in the case of any upset, slug discharge or other discharge of unusual strength, volume, or other characteristics, whether or not such discharge is in violation of the wastewater discharge permit. In such a case, in addition to the immediate report, the user shall submit a written report within five days of the incident specifying:
    - (a) A description of the upset, the cause thereof and the upsets impact on a user's compliance status.
    - (b) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance

continues, the time by which compliance is reasonably expected to occur.

- (c) All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance.
- (2) Whenever changes are made at a facility that may affect the potential for a slug discharge to occur, the user shall notify the General Manager in advance, if possible, or within 24 hours of making such changes.
- O. Slug discharge control plans. The General Manager shall evaluate whether each significant industrial user needs a slug discharge control plan or other action to control slug discharges. Such evaluation shall occur within one year of an industrial user being identified as significant. The General Manager may require any user to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control slug discharges. Alternatively, the General Manager may develop such a plan for any user: The POTW may choose to require a significant industrial user to take specific, preventative physical or procedural actions instead of requiring the development of a slug control plan. Such preventative actions and any slug control plan development requirements shall be included in the SIU's control mechanism. Any changes at a user's facility can cause the General Manager to reevaluate the need for a slug control plan. An accidental discharge/slug discharge control plan shall address, at a minimum, the following, in addition to any other items the General Manager may determine:
- (1) Description of discharge practices, including nonroutine batch discharges;
  - (2) Description of stored chemicals;
  - (3) Procedures for immediately notifying the General Manager of any accidental or slug discharges, as required by Subsection N; and
  - (4) Procedures to prevent adverse impact from any accidental spills 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

## Appendix M (Spring Garden)

§ 250-75

§ 250-75

for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

- P. Fees for sampling, analyses and inspections. The City of York or its designated agent shall inspect properties discharging waste other than domestic wastewater into the sewage works and obtain and analyze samples therefrom to enforce provisions of this Part 3 to comply with local, state, and federal requirements, and to determine applicable surcharges. Fees for such services shall be assessed in accordance with a schedule established by administrative order based on costs. Fees for such services provided by independent laboratories shall be invoiced at cost.
- Q. Spill prevention plans. Any person storing any material in excess of the threshold planning quantity established by SARA III, the Emergency Planning and Community Right to Know Act, shall submit a spill prevention, control and countermeasure plan addressing the potential of an accidental discharge to the sewer system to the General Manager for review and approval. Any industrial user storing flowable solids in bulk in excess of 500 pounds, or any liquids in excess of 100 gallons (except for water and heating oil stored for use on the premises), shall report this to the General Manager annually, including the quantity and nature of each such material, and shall develop and submit a spill prevention, control and countermeasure plan if so directed by the General Manager.
- R. Signatory requirements. Industrial user reports and submissions requiring signature and certification, which include, but are not limited to, permit applications, industrial questionnaires, baseline monitoring reports, compliance schedules, BMPs, final compliance reports and periodic compliance reports, shall be signed by an authorized or duly authorized representative as follows:
- (1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. For the purpose of this Subsection, a "responsible corporate officer" means:
    - (a) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decisionmaking functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided that the manager is authorized to make management decisions that govern

the operation of the regulated facility, including having the explicit or implicit duty of making major capital investment recommendations, and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

- (2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.
  - (3) By a duly authorized representative of the individual designated in Subsection R(1) or (2) of this section if:
    - (a) The authorization is made in writing by the individual described in Subsection R(1) or (2) of this section;
    - (b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial 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 General Manager of the POTW.
  - (4) If an authorization under Subsection R(3) of this section 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 authorization satisfying the requirements of Subsection R(3) of this section must be submitted to the General Manager of the POTW prior to or together with any reports to be signed by an authorized representative.
- S. Hauled wastewater. The General Manager may prohibit or accept the disposal of hauled industrial or nonindustrial wastewater to the POTW. In no case shall any hazardous waste, as that term is

## Appendix M (Spring Garden)

§ 250-75

§ 250-75

defined by the Resource Conservation and Recovery Act, be discharged as hauled waste.

- (1) Hauled or trucked wastewater may be introduced into the POTW only at locations designated by the General Manager, and at such times as are established by the General Manager. The General Manager may refuse a hauler or generator the ability to discharge a particular hauled wastewater load if it cannot be determined that the load will not violate the requirements of this Part 3 or any federal or state pretreatment or waste requirements, or cause interference, pass-through or biosolids contamination. The discharge of hauled wastewater is subject to all other requirements of this Part 3 and applicable state and federal laws. The General Manager may develop procedures to ensure compliance with this Part 3 and state and federal requirements.
  - (2) The General Manager may require the haulers and/or generators of hauled or trucked industrial or nonindustrial wastewater to obtain wastewater discharge permits.
  - (3) No individual load may be discharged into the POTW without the prior consent of the General Manager. The issuance of a permit to a hauler or generator does not constitute consent to discharge nor guarantee the ability to discharge any particular load. The General Manager may collect samples of each hauled load to ensure compliance with this Part 3, any federal pretreatment standards and state and federal law. The General Manager may require the industrial wastewater hauler to provide a waste analysis of any load prior to discharge.
  - (4) Industrial wastewater 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.
- T. Additional measures. Whenever deemed necessary, the General Manager may require users to restrict their discharges during peak flow periods, designate that certain wastewater be discharged only into specified sewers, relocate and/or consolidate points of discharge, separate sewage waste streams from

industrial waste streams, and such other conditions as may be necessary to protect the POTW and/or determine the user's compliance with the requirements of this Part 3 or the user's permit.

- U. Reports from unpermitted users. All industrial or commercial users not required to obtain a wastewater discharge permit shall provide appropriate reports to the General Manager as the General Manager may require.
- V. Compliance schedules. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:
  - (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 months.
  - (3) The user shall submit a progress report to the General Manager 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 to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and the steps being taken by the user to return construction to the established schedule. In no event shall more than nine months elapse between such progress reports to the General Manager.
- W. Reports on compliance with categorical pretreatment standard deadline. The following conditions shall apply to a compliance schedule for meeting categorical pretreatment standards under 40 CFR 403.12:
  - (1) 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 industrial user subject to pretreatment standards and requirements shall submit to the

§ 250-75

§ 250-76

General Manager a report containing the information required for a baseline report required under 40 CFR 403.12 (b)(4) through (6). For industrial users subject to equivalent mass or concentration limits established by the City of York in accordance with the requirements of 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial 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.

**§ 250-76. Access to premises for inspection and monitoring.**

The General Manager and other duly authorized employees of the City of York bearing proper credentials and identification shall be permitted to enter upon all properties at reasonable times to carry out all inspection, surveillance, observation, measurement, monitoring procedures, sampling and testing necessary to determine, independent of information supplied by industrial users, compliance or noncompliance with applicable pretreatment standards and requirements and ordinance requirements by industrial users. The General Manager shall have the right to enter any premises of any industrial user in which a discharge source or treatment system is located, or in which records are required to be kept under 40 CFR 403.12(o), to ensure compliance with pretreatment standards or requirements, any wastewater discharge permit, the requirements of this Part 3 or an order issued hereunder. Users shall allow the General Manager ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties. The authority of the General Manager shall be at least as extensive as the authority provided under Section 308 of the Clean Water Act.

- A. Where a user has security measures in force that require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security personnel so that, upon presentation of suitable identification, the General Manager shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- B. The General Manager 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.

§ 250-76

§ 250-78

- C. 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 General Manager and shall not be replaced. The costs of clearing such access shall be the responsibility of the user.
- D. If the General Manager 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 3 or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City of York designed to verify compliance with this Part 3 or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the General Manager may seek issuance of a search warrant from the appropriate court.

**§ 250-77. Discharge of sewage, wastes and spilled matter into watercourses.**

- A. All owners or users of private sewers shall not, either directly or through an intervening public or private storm sewer, drain domestic sewage into any natural or man-made watercourse within the City of York limits. Any such discharge shall be discontinued immediately upon notice from the City of York, with the notice served upon such owner or user, or, if nonresident in the City of York, upon the agent thereof or upon the party in possession, and if there is no agent or party in possession, then by notice posted upon the most public part of the property. Such owner shall cease discharge and, at his own expense, connect his house drain with the sanitary sewer system. Nothing herein shall forbid the continuation of the drainage through such private or public stormwater sewers of roof water, surface water or groundwater.
- B. The discharge or spilling of industrial waste or wastewater or of any hazardous, toxic, colored or oil-bearing matter into a natural watercourse, either directly or indirectly, via public or private storm sewer, ditch or culvert is prohibited unless such discharge is in accordance with the permit issued by the United States Environmental Protection Agency or the Pennsylvania Department of Environmental Protection or consists of unpolluted cooling, boiler or distilled water.

**§ 250-78. Garages.**

## Appendix M (Spring Garden)

§ 250-78

§ 250-80

- A. Every garage or other structure for the housing, sale or repair of vehicles in which vehicles are washed, cleaned or repaired shall, before being connected with the sewage works, be provided with proper means for draining the floors and repair pits, as hereinafter provided.
- B. Any drain in the floor or repair pit of any garage or other structure for the housing, sale or repair of vehicles shall have a special connection discharging through an interceptor, which shall be located under the direction of the City of York, before being connected to the house drain. The interceptor shall be so arranged as to intercept all oils, gasoline or other flammable fluids, as well as sand, silt and other solids, for the purpose of excluding the same from the sewage works. It shall be watertight, so located as to be provided a suitable approved manhole frame and cover, and shall be of a design and capacity approved by the City of York. The oils and other flammable fluids that accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to ensure the exclusion of the same from the sewage works. They shall be kept free from sand, silt or other solids and shall be subject to regular inspection by the City of York. The contents of the same shall be promptly disposed of after removal to the satisfaction of the City of York.
- C. Every garage or other structure used for the housing, sale or repair of vehicles connected with any public or private sewer shall be provided with a floor drain and interceptor in accordance with this section within 60 days after notice from the City of York.

### **§ 250-79. Interceptors required.**

All persons storing or using flammable or hazardous materials or discharging matter likely to obstruct any part of the sewage works or injure same or cause a nuisance shall not connect to any sanitary sewer except through interceptors, catch basins or screens as may be prescribed by the City of York. Nothing in this section shall be interpreted as superseding the limitations and prohibitions on the discharge of particular wastes or waste characteristics as set forth elsewhere in this Part 3.

### **§ 250-80. Hotels and restaurants.**

- A. All hotels, restaurants, boardinghouses and public eating places, before draining into the sewage system, shall install grease interceptors on fixtures as required by the City of York.

§ 250-80

§ 250-82

- B. The greases, oils and solid materials that accumulate in such interceptors shall be pumped or otherwise removed, and the interceptors shall be so maintained as to ensure the exclusion of the same from the sewage works. They shall be subject to regular inspection by the City of York. The contents of same shall be promptly disposed of after removal to the satisfaction of the City of York. On the notice by the General Manager, any such establishment may be required to maintain for a period of three years all records related to maintenance of such interceptors and the removal of grease therefrom, and to make such records available to the General Manager on request.

**§ 250-81. Violations.**

- A. Any owner or other person who violates or refuses to comply with any provision of this Part 3 or any notice given under the authority of the same, or who obstructs or interferes with any person in the execution of any of the provisions hereof, shall be subject to the penalty provided in § 250-87.4.
- B. In addition, the violation of the provisions of this Part 3 or of any permit issued to an industrial user hereunder, may be declared to be a public nuisance, subject to the authority of the City Board of Health, as provided by the Third Class City Code. The Board may issue orders requiring the abatement, prevention, or alteration of such a nuisance or take such other action as shall be deemed necessary to prevent, abate, correct, or avoid such nuisance.

**§ 250-82. Sewer rental surcharges; determination and measuring volume.**

- A. Sewer rental surcharges for nondomestic wastes.
  - (1) In addition to sewer rent for collection and treatment of sewage discharged into the sewage works by commercial and industrial users, further charges shall be made for all sewage discharged into the sewage works having values for certain parameters in excess of certain concentration thresholds as listed below:

**Concentration Thresholds**

<b>Parameters</b>	<b>(mg/l)</b>
Ammonia (as nitrogen)	15
Arsenic	0.004
BOD	300

**Concentration Thresholds**

<b>Parameters</b>	<b>(mg/l)</b>
Cadmium, total	0.004
Chromium, total	0.00
Copper, total	0.1
Cyanide, total	0.05
Lead, total	0.06
Nickel, total	0.03
Phosphate (as phosphorus)	9.0
Mercury, total	0.0004
Silver, total	0.006
Suspended solids	350
Zinc, total	0.3

- (2) The total surcharge shall equal the sum of each of the surcharges applicable to the waste in accordance with the formula below:

$$SC = 8.34 \times Q \times (\text{value of parameter} - \text{concentration threshold}) \times K / 1,000,000$$

Where

- SC = Surcharge for parameter  
 Q = Volume in gallons  
 K = Cost factor for parameter

- (3) Cost factors shall be established by administrative order based on toxicity, impact on sludge disposal, pretreatment program goals, and on costs for treatment. The strength of any sewage subject to surcharge shall be determined quarterly, or more frequently as the City of York shall determine, based upon sampling and analysis by the City of York or its designees. However, the City of York may, if it so elects, determine the strength of the sewage based upon the results of routine sampling and analysis by the producer of such sewage or the results of analysis and flow from previous quarters or from the results of analysis and flow of sewage from similar customers.

**B. Methods of measuring volume for surcharge purposes.**

- (1) Whenever a person purchasing all water used from a public water provider discharges all sewage to the POTW at one point, the volume of water purchased shall be used as a measure of the quantity of sewage discharged.
- (2) Whenever a person obtains water from other sources or claims that alternate means of disposal reduces the volume of sewage discharged, or whenever sewage is discharged at more than one point to the POTW, the City of York shall require the person to install, at his expense, a meter or meters, as may be required to measure the volume or volumes of sewage discharged to the POTW at the point or points of entry. All meters or other measuring devices installed or required to be used under any provision of this Part 3 may be tested or inspected by the City of York or by its designee whenever deemed necessary by the City of York. The owner of the property upon which such measuring device is installed shall be responsible for its testing, maintenance and safekeeping, and all repairs thereto shall be made at the property owner's expense, whether such repairs are made necessary by ordinary wear and tear or other causes. Owners shall test and or calibrate meters in a manner and at a frequency satisfactory to the City of York.

**§ 250-83. Remedies for violations.**

- A. Emergency suspension of service. The City of York may for good cause shown suspend the wastewater treatment service to any person when it appears to the City of York that an actual or threatened discharge presents or may reasonably present an imminent or substantial danger to the health or welfare of persons or to the environment, interferes with the operation of the POTW, or violates any pretreatment standard or requirement imposed by this Part 3. In the event of failure to comply voluntarily with a suspension order within the specified time, the City of York may commence judicial proceedings to compel compliance with such order. Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section. A user affected by an emergency suspension will be entitled to a hearing afterwards at the user's request pursuant to § 250-87.2 of this Part 3.
  - (1) Any user notified of a suspension of its service shall immediately stop or eliminate its discharge. In the event of a user's failure to immediately comply voluntarily with the suspension order, the General Manager 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 General Manager may allow the user to recommence its discharge when it has demonstrated to the satisfaction of the General Manager that the period of endangerment has passed, unless the termination proceedings in Subsection B of this section are initiated against the user.

- (2) 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 discharge and the measures taken to prevent any future occurrence, to the General Manager prior to the date of any show cause or termination hearing under Subsection D of this section.

B. Revocation of treatment services.

- (1) The City of York may seek to terminate the wastewater treatment services to any person and/or revoke a wastewater discharge permit, for good cause, for, but not limited to, the following reasons:

- (a) Failure to factually report the wastewater constituents and characteristics of its discharge;
- (b) Failure to report significant changes in operations or wastewater volume, constituents or characteristics prior to discharge as provided by § 250-75C and F(2) of this Part 3;
- (c) Violation of this Part 3 or any permit or order issued under this Part 3 following within one year of a prior violation of the same kind;
- (d) Misrepresentation of or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (e) Falsifying self-monitoring reports and certification statements;
- (f) Tampering with monitoring equipment;
- (g) Being found to be in significant noncompliance, as defined in § 250-84 of this Part 3;

- (h) Failure to pay civil penalties assessed under this Part 3;
  - (i) Failure to pay sewer charges, surcharges or fees for services;
  - (j) Failure to meet compliance schedules;
  - (k) Failure to complete a wastewater survey or a wastewater discharge permit application as provided by § 250-75C of this Part 3; or
  - (l) Failure to provide advance notice of the transfer of business ownership of a permitted facility.
- (2) Such person will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Subsection D of this section why the proposed action should not be taken. Exercise of this option by the General Manager shall not be a bar to, or a prerequisite for, taking any other action against the person.
- C. Notification of violation; administrative adjustment. Whenever the City of York finds that any person has engaged in conduct that constitutes a violation of any provision of this Part 3 or of a permit issued hereunder, the City of York may serve or cause to be served upon such person a written notice, either personally or by certified or registered mail, return receipt requested, stating the nature of the alleged violation. Within 30 days of the date of receipt of the notice, the person shall respond in writing to the City of York, advising of its position with respect to the allegations. Thereafter the parties shall meet to ascertain the veracity of the allegations and where necessary, establish a plan for the satisfactory correction thereof.
- D. Show-cause hearing. Whenever a violation or series of violations occurs that may result in suspension of service, termination of service, summary charges, or other enforcement action, the General Manager may issue an order to such violator to appear and show cause, before a hearing board assembled for the purpose, why the proposed enforcement action should not be taken. The procedures for such a hearing shall be set forth in § 250-87.2 hereof. The notice of the hearing shall be served on the person either personally or by certified or registered mail, return receipt requested, specifying the time and place of a hearing to be held by the City of York or its designee regarding the violation, the reasons why the enforcement action is to be taken, the proposed enforcement action, and directing the person to show

cause before the City of York, or its designee, why the proposed enforcement action should not be taken. The notice of the hearing shall be served no less than seven days before the hearing. Service may be made on any authorized representative of the person or user or on anyone in apparent authority found at the premises of such user. The proceedings at the hearing shall be considered by the hearing board, which board shall then instruct the General Manager as to the enforcement action, if any, to be taken, or as to additional actions to be taken by the General Manager. A show-cause hearing shall not be a bar against, or a prerequisite for, taking any other action against the person.

- E. Injunctive relief. When the General Manager finds that a user has violated, or continues to violate, any provision of this Part 3, an individual wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the General Manager, acting through the City Solicitor's Office, may commence an action in the Court of Common Pleas for legal and equitable relief and, where deemed appropriate, may seek a temporary restraining order or preliminary injunction to restrain violations of or compel compliance with this Part 3, permit, order, or other requirement. The filing of such an action shall not be a bar to taking other enforcement actions.
- F. Remedies nonexclusive. The remedies provided for in this Part 3 are not exclusive. The General Manager may take any, all, or any combination of these actions against a noncompliant user. Further, the General Manager is empowered to take more than one enforcement action against any noncompliant user. The City of York may take any actions afforded to it under state law.
- G. Consent orders. The General Manager may enter into consent orders, assurances of compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents shall include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall be judicially enforceable as contracts, and violations of the terms thereof may be deemed a violation of this Part 3, subject to all of the penalties provided herein.
- H. Compliance orders. When the General Manager finds that a user has violated, or continues to violate, any provision of this Part 3, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the General Manager may issue an order to the user responsible for the

discharge directing that the user come into compliance within a specified time. Any such order shall inform the person of the opportunity to request a hearing before a hearing board constituted by the Sanitary Sewer Board of Appeals, as set forth in § 250-87.2 hereof. If the user does not come into compliance within the time provided, sewer service may be discontinued unless the user demonstrates to the satisfaction of the General Manager a good-faith effort to do so, which may include evidence of hiring a consultant, ordering of pretreatment equipment, creation of a pollution prevention plan, or other affirmative acts aimed at achieving compliance in the shortest possible time. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and/or management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order cannot 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.

- I. Payment of outstanding fees and penalties. The General Manager may decline to issue or reissue an individual wastewater discharge permit to any user who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this Part 3, a previous individual wastewater discharge permit or order issued hereunder.
- J. Cease and desist orders.
  - (1) When the General Manager finds that a user has violated, or continues to violate, any provision of this Part 3, an individual wastewater discharge permit, or order, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the General Manager 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; and
    - (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

§ 250-83

§ 250-84

order shall not be a bar against, or a prerequisite for, taking any other action against the user.

- (2) Any such order shall inform the person of the opportunity to ~~request a hearing before a hearing board constituted by the~~ Sanitary Sewer Board of Appeals, as set forth in Section 931.17 hereof.

**§ 250-84. Public notice of significant violators.**

The City of York shall annually provide public notification in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment standards and requirements. For the purposes of this provision, a significant industrial user (or any industrial user that violates Subsection B, D or H of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66% or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric pretreatment standard or requirement, including instantaneous limits, as defined by 40 CFR 403.3(I).
- B. Technical review criteria (TRC) violations, defined here as those in which 33% or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(I) multiplied by the applicable TRC. There are two groups of TRC:
- (1) Group I for BOD, TSS, fats, oil, and grease: TRC = 1.4.
  - (2) Group II for all other pollutants except pH: TRC = 1.2.
- C. Any other violation of a pretreatment standard or requirement as defined by 40 CFR 403.3(I) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the POTW determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public).
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or

has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within 30 days after the due date, required reports, such as baseline monitoring reports, ninety-day compliance reports, periodic self-monitoring reports, reports on best management practices, and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any other violation or group of violations, which may include a violation of best management practices, that the POTW determines will adversely affect the operation or implementation of the local pretreatment program.

**§ 250-85. Public access to information.**

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, individual wastewater discharge permits, and monitoring programs, and from the General Manager'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 General Manager, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable state and federal law. Any such request must be asserted at the time of submission of the information or data if the industrial user stamps "Confidential Business information" over all parts for which protection is sought. 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 at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction. In compliance with the Commonwealth of Pennsylvania's Right-To-Know Law, requests for

## Appendix M (Spring Garden)

§ 250-85

§ 250-87

City of York records shall be submitted to the City of York's Open Records Officer.

### **§ 250-86. Hazardous waste.**

- A. Users may not discharge to the POTW any hazardous waste which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261 unless written authorization is obtained from the General Manager. It is the General Manager's discretion to accept such waste. Any request shall include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other) and other information that the General Manager requires to make an informed decision. If the General Manager grants permission to the user to discharge such waste, the user shall notify the EPA Regional Waste Management Division and Pennsylvania Hazardous Waste authorities in writing in accordance with applicable federal and state requirements. Any such notification submitted to the EPA Regional Waste Management Division and Pennsylvania Hazardous Waste authorities shall be copied to the General Manager. This notification requirement does not apply to pollutants already reported under the self-monitoring requirements of this Part 3.
- B. Users shall permit the General Manager, or duly authorized representatives, to inspect hazardous waste generation, treatment, storage, and disposal procedures, and the records generated from the management of hazardous waste.

### **§ 250-87. Recordkeeping.**

- A. Users subject to the reporting requirements of this Part 3 shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part 3, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, documentation associated with compliance of best-management-practices-based pretreatment standards or local limits, and documentation associated with any certification statements (i.e., TTO certification statement for metal finishers). 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

years. This period shall be automatically extended for the duration of any litigation concerning the user or the City of York, or where the user has been specifically notified of a longer retention period by the General Manager.

- B. Written reports will be determined 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.

**§ 250-87.1. Administration.**

Except as otherwise provided herein, the General Manager shall administer, implement, and enforce the provisions of this Part 3. Any powers granted to or duties imposed upon the General Manager may be delegated to a duly authorized City of York employee.

**§ 250-87.2. Appeals.**

- A. Whenever the City of York, including the General Manager, takes or proposes to take any administrative action that will affect the rights of a user, including but not limited to the issuance or denial of a permit, issuance of an order, temporary or permanent suspension of a permit, or imposition of a civil penalty, the user shall be notified of the right to request an administrative hearing by the Sanitary Sewer Board of Appeals.
- B. A request for a hearing is subject to the following:
  - (1) The request must be made in writing to the General Manager.
  - (2) The request must be submitted within 30 calendar days from the date of receipt of the wastewater discharge permit, or notice of the action being taken or proposed to be taken, which is being challenged by the user.
  - (3) The request must state the specific provision(s) of a wastewater discharge permit or the specific actions or proposed actions of the City of York that are being contested.
  - (4) The request must state the user's reasons for the appeal of each provision.
  - (5) The request may suggest alternate or revised provisions to replace those appealed.
  - (6) An appeal of an issued wastewater discharge permit may include a request to stay specific permit conditions pending

## Appendix M (Spring Garden)

§ 250-87.2

§ 250-87.3

the outcome of the appeal. Any such request shall include all factual and legal justification for such a request.

- C. Provisions specifically mandated by federal or state regulations (~~and compliance with categorical standards~~) shall not be appealed. Conditions that, in the opinion of the City of York, would constitute a hazard or pose a potential threat of pollution if stayed shall not be stayed during an appeal. The decision of whether to grant a stay shall be made by the General Manager within three days of the receipt of the request for a hearing and communicated to the user. Any provisions of a permit, order, or other action that are not stayed shall remain in effect and be enforceable until a decision is rendered by the Board of Appeals.
- D. A hearing shall be scheduled by the Board of Appeals. The date of the hearing shall be not less than seven days and not more than 30 days from the receipt of the request for a hearing. The date, time, and place of the hearing shall be promptly communicated to the user.
- E. The Sanitary Sewer Board of Appeals shall consist of the York City Sewer Authority, or a board designated by York City Sewer Authority, which such designated board may include five members, consisting of the Operations Manager of the POTW, any number of member(s) of the York City Sewer Authority, and any one member of City Council, provided that, if any such member shall be a person who has a financial, legal or other proprietary interest in the user bringing the appeal, such person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.
- F. The Board of Appeals shall conduct a hearing pursuant to the provisions of the Local Agency Law (2 Pa. C.S.A. Subchapter B). Such hearing may be on the record if requested by the appellant, subject to the provisions of 2 Pa. C.S.A. § 553.
- G. The Board of Appeals shall render a decision within 20 days of the hearing and inform the General Manager and the user of its decision in writing. The decision by the Board of Appeals constitutes final administrative action by the City of York.
- H. An adjudication of the City of York or the General Manager for which administrative review had been available shall not be subject to administrative or judicial review in any civil or criminal proceeding for enforcement.

**§ 250-87.3. Severability.**

Should any section or provision of this Part 3 be declared by the courts to be unconstitutional or invalid such decision shall not affect the validity of this Part 3 as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

**§ 250-87.4. Violations and penalties.**

- A. Any person who violates or fails to comply with any provision of this Part 3, any requirement of an industrial wastewater discharge permit issued under this Part 3, or an order issued pursuant to this Part 3, shall be guilty of a summary offense and, upon conviction thereof, be subject to a fine of not more than \$1,000 and costs of prosecution and in default thereof shall be imprisoned for not more than 30 days. A separate offense shall be deemed committed on each day during or on which a violation or failure to comply occurs or continues.
- B. Any person violating any of the provisions of this Part 3 shall become liable to the City of York for any expenses, loss or damage occasioned by the City of York by reason of such violation.
- C. For the violation of any of the provisions of this Part 3, the City of York shall have the right and power to disconnect all connecting pipelines conveying sewage or industrial wastes from the buildings of the users of the City's sewers to the City's sewer system from such sewer system. The cost of disconnection and any reconnection shall be paid by the user. The right and power of disconnection shall be in addition to any fine or penalty imposed for the violation.
- D. Any person who violates or fails to comply with any provision of this Part 3, any requirement of an industrial wastewater discharge permit issued under this Part 3, or an order issued pursuant to this Part 3, may be assessed a civil penalty of up to \$25,000 as provided for in Act 9 (35 P.S. § 752.1 et seq.). Such penalties shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, penalties shall be assessed for each day during the period of violation. A lien against the user's property may be sought for unpaid charges and penalties. Users desiring to dispute such penalty shall follow the procedure as set forth in § 250-87.2 hereof. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to

## Appendix M (Spring Garden)

§ 250-87.4

§ 250-87.4

the user. Issuance of a civil penalty shall not be a bar against, or a prerequisite for, taking any other action against the user.

---