



We answer to you.

PLANNING MODULE
APPLICATION

FOR

520 HAMILTON STREET
CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA

August 2017

Prepared for:

City Center Investment Corporation
645 W. Hamilton Street, Suite 600
Allentown, PA 18101
(610) 625-5516

Prepared by:

RETTEW ASSOCIATES, INC.
515 W. Hamilton Street, Suite 508
Allentown, PA 18101
800-738-8395

RETTEW Project No. 096772004

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SECTION 1.0

AGENCY COORDINATION CHECKLIST

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

Date 8/7/2017

Name RETTEW

Address 515 W. HAMILTON ST., SUITE 508
ALLENTOWN, PA 18101

RE: Planning Module for New Land Development
Subdivision 520 HAMILTON STREET
MULTI-RESIDENTIAL 10121 GPD
CITY OF ALLENTOWN, LEHIGH County
DEP Code No: 2-39001197-3E

Dear:

In response to your postcard application, enclosed are the applicable planning modules required for the proposed development. Please submit the completed planning module and supporting information to the municipality(ies) in which the project is located. The Department must receive 3 copies. Please answer all questions. Do Not answer "N/A" or "Not Applicable". If you find a question does not apply, explain all reasons to support that answer.

A copy of the letter MUST be attached to the planning module when resubmitted through the municipality to the Department. This letter is to be used as a completion checklist and guide to completing the planning modules and does not supersede the rules and regulations found in Chapter 71. The municipality must submit the complete module package to the Department, (see end of letter for certification statement).

Effective December 15, 1995 Act 149 required the Department to assess planning module review fees. This fee is based on the type of development and total equivalent dwelling units proposed. The applicant will be billed upon Department approval or denial of the project.

If you are applying for a planning module exemption for this project, the exemption was not granted for the following reason(s):

<u>Materials required</u>	<u>Municipal Checklist</u>		<u>DEP Completeness Review</u>
<u>X</u>	<u> </u>	Department cover/Checklist letter	<u> </u>
<u>X</u>	<u> </u>	Transmittal letter, completed and signed by the Municipal Secretary.	<u> </u>
<u>X</u>	<u> </u>	Resolution of Adoption completed and signed by the Municipal Secretary and containing the municipal seal.	<u> </u>
<u> </u>	<u> </u>	Component 2-Follow attached guidance.	<u> </u>
<u>X</u>	<u> </u>	Component 3-Follow attached guidance.	<u> </u>
<u> </u>	<u> </u>	Component 3s-Follow attached guidance.	<u> </u>
<u>X</u>	<u> </u>	Component 4a-Municipal Planning Agency Review	<u> </u>
<u>X</u>	<u> </u>	Component 4b-County Planning Agency Review	<u> </u>
<u> </u>	<u> </u>	Potential Impact(s) has occurred based on your search of the PA Natural Diversity Inventory. These issues must be resolved with each agency before the Department's review of Planning Modules can occur.	<u> </u>
<u> </u>	<u> </u>	Sewage management program as per 25 Pa. Code Subsection 71.72	<u> </u>
<u> </u>	<u> </u>	Hydrogeologic Study - Analysis of interbasin transfer of water between a Special Protection watershed into a Non-Special Protection watershed.	<u> </u>
<u> </u>	<u> </u>	Delaware River Basin Commission Notice of Applications Received (NAR) for projects with sewage flows exceeding 10,000 GPD.	<u> </u>
<u> </u>	<u> </u>	Preliminary hydrogeology	<u> </u>
<u> </u>	<u> </u>	Permeability testing, to be determined at site testing	<u> </u>
<u> </u>	<u> </u>	Detailed hydrogeologic study	<u> </u>

Materials required Municipal Checklist

DEP Completeness Review

_____ Socio-economic justification _____

_____ If the project is located in a Special Protection Watershed, please submit an Antidegradation Analysis meeting the Requirement of Chapter 93.4(b), 93.4(a) and 93.4c(b)(2) _____

In all cases, address the immediate and long range sewage disposal needs of the proposal and comply with 25 Pa. Code, Chapter 71, Subchapter C relating to New Land Development Plan Revisions.

Please note that the Department will return the planning module package if an incomplete revision is submitted.

Sincerely,



Robert T. Corby, Jr.
Sewage Planning Specialist
Clean Water Program

CERTIFICATION STATEMENT

I certify that this submittal is complete and includes all requested items. Failure to submit a complete module package will result in return of package.

Municipal Address _____

Municipal Telephone Number _____

Signed: _____, Municipal Secretary

List below any individuals and address that should be copied if the planning module is returned to the municipality (if address is not provided, no copy will be sent):

SECTION 2.0

TRANSMITTAL LETTER & RESOLUTION

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



**TRANSMITTAL LETTER
FOR SEWAGE FACILITIES PLANNING MODULE**

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) USE ONLY				
DEP CODE #	CLIENT ID #	SITE ID #	APS ID #	AUTH. ID #

TO: Approving Agency (DEP or delegated local agency)
PA DEP Bethlehem District Office
4530 Bath Pike
Bethlehem, PA 18017

Date _____

Dear Sir/Madam:

Attached please find a completed sewage facilities planning module prepared by David Miller _____
(Name)

RETTEW Associates, Inc. - Engineer _____ for 520 Hamilton Street _____
(Title) (Name)

a subdivision, commercial, or industrial facility located in City of Allentown _____

Lehigh _____ County.
(City, Borough, Township)

Check one

(i) The planning module, as prepared and submitted by the applicant, is approved by the municipality as a proposed revision supplement for new land development to its Official Sewage Facilities Plan (Official Plan), and is adopted for submission to DEP transmitted to the delegated LA for approval in accordance with the requirements of 25 Pa. Code Chapter 71 and the *Pennsylvania Sewage Facilities Act* (35 P.S. §750),

OR

(ii) The planning module will not be approved by the municipality as a proposed revision or supplement for new land development to its Official Plan because the project described therein is unacceptable for the reason(s) checked below:

Check Boxes

- Additional studies are being performed by or on behalf of this municipality which may have an effect on the planning module as prepared and submitted by the applicant. Attached hereto is the scope of services to be performed and the time schedule for completion of said studies.
- The planning module as submitted by the applicant fails to meet limitations imposed by other laws or ordinances, officially adopted comprehensive plans and/or environmental plans (e.g., zoning, land use, 25 Pa. Code Chapter 71). Specific reference or applicable segments of such laws or plans are attached hereto.
- Other (attach additional sheet giving specifics).

Municipal Secretary: Indicate below by checking appropriate boxes which components are being transmitted to the approving agency.

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Resolution of Adoption | <input checked="" type="checkbox"/> 3 Sewage Collection/Treatment Facilities | <input checked="" type="checkbox"/> 4A Municipal Planning Agency Review |
| <input type="checkbox"/> Module Completeness Checklist | <input type="checkbox"/> 3s Small Flow Treatment Facilities | <input checked="" type="checkbox"/> 4B County Planning Agency Review |
| <input type="checkbox"/> 2 Individual and Community Onlot Disposal of Sewage | | <input type="checkbox"/> 4C County or Joint Health Department Review |

Municipal Secretary (print)

Signature

Date



RESOLUTION FOR PLAN REVISION FOR NEW LAND DEVELOPMENT

RESOLUTION OF THE (SUPERVISORS) (COMMISSIONERS) (COUNCILMEN) of Allentown
(TOWNSHIP) (BOROUGH) (CITY), Lehigh COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the *Pennsylvania Sewage Facilities Act*, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS Ciy Center Investment Corp has proposed the development of a parcel of land identified as
land developer
520 Hamilton Street, and described in the attached Sewage Facilities Planning Module, and
name of subdivision
proposes that such subdivision be served by: (check all that apply), sewer tap-ins, sewer extension, new treatment facility, individual onlot systems, community onlot systems, spray irrigation, retaining tanks, other, (please specify). _____

WHEREAS, City of Allentown finds that the subdivision described in the attached
municipality
Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the (Supervisors) (Commissioners) (Councilmen) of the (Township) (Borough) (City) of Allentown hereby adopt and submit to DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

I _____, Secretary, _____
(Signature)

Township Board of Supervisors (Borough Council) (City Councilmen), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # _____, adopted, _____, 20____.

Municipal Address:

Seal of
Governing Body

Telephone _____

SECTION 3.0

SEWAGE FACILITIES PLANNING MODULE COMPONENT 3

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF POINT AND NON-POINT SOURCE MANAGEMENT

SEWAGE FACILITIES PLANNING MODULE

Component 3. Sewage Collection and Treatment Facilities
(Return completed module package to appropriate municipality)

DEP USE ONLY				
DEP CODE #	CLIENT ID #	SITE ID #	APS ID #	AUTH ID #

This planning module component is used to fulfill the planning requirements of Act 537 for the following types of projects: (1) a subdivision to be served by sewage collection, conveyance or treatment facilities, (2) a tap-in to an existing collection system with flows on a lot of 2 EDU's or more, or (3) the construction of, or modification to, wastewater collection, conveyance or treatment facilities that will require DEP to issue or modify a Clean Streams Law permit. Planning for any project that will require DEP to issue or modify a permit cannot be processed by a delegated agency. Delegated agencies must send their projects to DEP for final planning approval.

This component, along with any other documents specified in the cover letter, must be completed and submitted to the municipality with jurisdiction over the project site for review and approval. All required documentation must be attached for the Sewage Facilities Planning Module to be complete. Refer to the instructions for help in completing this component.

REVIEW FEES: Amendments to the Sewage Facilities Act established fees to be paid by the developer for review of planning modules for land development. These fees may vary depending on the approving agency for the project (DEP or delegated local agency). Please see section R and the instructions for more information on these fees.

NOTE: All projects must complete Sections A through I, and Sections O through R. Complete Sections J, K, L, M and/or N if applicable or marked .

A. PROJECT INFORMATION (See Section A of Instructions)

- Project Name 520 Hamilton Street
- Brief Project Description Multi-story residential building with retail, office and maker space.

B. CLIENT (MUNICIPALITY) INFORMATION (See Section B of Instructions)

Municipality Name	County	City	Boro	Twp
Allentown	Lehigh	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Municipality Contact Individual - Last Name	First Name	MI	Suffix	Title
Kimmerly	David			Chief Planner

Additional Individual Last Name	First Name	MI	Suffix	Title

Municipality Mailing Address Line 1	Mailing Address Line 2
435 Hamilton Street	

Address Last Line -- City	State	ZIP+4
Allentown	PA	18101

Area Code + Phone + Ext.	FAX (optional)	Email (optional)
(610) 437-7613		David.kimmerly@allentownpa.gov

C. SITE INFORMATION (See Section C of instructions)

Site (Land Development or Project) Name

520 Hamilton Street

Site Location Line 1
SE corner of Hamilton Street and South Law Street

Site Location Line 2

Site Location Last Line – City	State	ZIP+4	Latitude	Longitude
Allentown	PA	18101	40°36'9.51"N	75°28'6.77"W

Detailed Written Directions to Site From US-22, take MacArthur Road/145 S for approximately 1.8 miles. Take a left onto Hamilton Street; destination is on your right in 0.2 miles.

Description of Site The Site is currently developed with a vacant commercial building.

Site Contact (Developer/Owner)

Last Name	First Name	MI	Suffix	Phone	Ext.
DiLorenzo	Robert			(610) 674-4503	

Site Contact Title Site Contact Firm (if none, leave blank)

Project Manager City Center Investment Corp

FAX Email
robertd@citycenterlehighvalley.com

Mailing Address Line 1	Mailing Address Line 2
645 W. Hamilton Street	Sulte 600

Mailing Address Last Line – City	State	ZIP+4
Allentown	PA	18101

D. PROJECT CONSULTANT INFORMATION (See Section D of instructions)

Last Name	First Name	MI	Suffix
Helsel	Elizabeth		

Title	Consulting Firm Name
Engineer	RETTEW Associates, Inc.

Mailing Address Line 1	Mailing Address Line 2
515 W. Hamilton	Suite 508

Address Last Line – City	State	ZIP+4	Country
Allentown	PA	18101	United States

Email	Area Code + Phone	Ext.	Area Code + FAX
elizabeth.helsel@rettew.com	(484) 778-4653		

E. AVAILABILITY OF DRINKING WATER SUPPLY

The project will be provided with drinking water from the following source: (Check appropriate box)

- Individual wells or cisterns.
- A proposed public water supply.
- An existing public water supply.

If existing public water supply is to be used, provide the name of the water company and attach documentation from the water company stating that it will serve the project.

Name of water company: Lehigh County Authority, Agent for City of Allentown

F. PROJECT NARRATIVE (See Section F of instructions)

- A narrative has been prepared as described in Section F of the instructions and is attached.

The applicant may choose to include additional information beyond that required by Section F of the instructions.

G. PROPOSED WASTEWATER DISPOSAL FACILITIES (See Section G of Instructions)

Check all boxes that apply, and provide information on collection, conveyance and treatment facilities and EDU's served. This information will be used to determine consistency with Chapter 93 (relating to wastewater treatment requirements).

1. COLLECTION SYSTEM

a. Check appropriate box concerning collection system

- New collection system Pump Station Force Main
- Grinder pump(s) Extension to existing collection system Expansion of existing facility

Clean Streams Law Permit Number _____

b. Answer questions below on collection system

Number of EDU's and proposed connections to be served by collection system. EDU's 25.3 DEP
EDUs (400 gpd/EDU); 57.67 City EDUs (175.5 gpd/EDU)

Connections 1 _____

Name of:

existing collection or conveyance system City of Allentown
 owner City of Allentown
 existing interceptor Jordan Creek Interceptor
 owner City of Allentown

2. WASTEWATER TREATMENT FACILITY

Check all boxes that apply, and provide information on collection, conveyance and treatment facilities and EDU's served. This information will be used to determine consistency with Chapter(s) 91 (relating to general provisions), 92 (relating to national Pollution Discharge Elimination System permitting, monitoring and compliance) and 93 (relating to water quality standards).

a. Check appropriate box and provide requested information concerning the treatment facility

- New facility Existing facility Upgrade of existing facility Expansion of existing facility

Name of existing facility City of Allentown Wastewater Treatment Plant

NPDES Permit Number for existing facility PA0026000

Clean Streams Law Permit Number _____

Location of discharge point for a new facility. Latitude 40°36'07" Longitude 75°27'09"

b. The following certification statement must be completed and signed by the wastewater treatment facility permittee or their representative.

As an authorized representative of the permittee, I confirm that the City of Allentown WWTP
(Name from above) sewage treatment facilities can accept sewage flows from this project without adversely affecting the facility's ability to achieve all applicable technology and water quality based effluent limits (see Section I) and conditions contained in the NPDES permit identified above.

Name of Permittee Agency, Authority, Municipality City of Allentown, Lehigh County Authority, Agent

Name of Responsible Agent Liesel M. Gross

Agent Signature Liesel M. Gross Date 9/18/17

(Also see Section I. 4.)

G. PROPOSED WASTEWATER DISPOSAL FACILITIES (Continued)

3. PLOT PLAN

The following information is to be submitted on a plot plan of the proposed subdivision.

- a. Existing and proposed buildings.
- b. Lot lines and lot sizes.
- c. Adjacent lots.
- d. Remainder of tract.
- e. Existing and proposed sewerage facilities. Plot location of discharge point, land application field, spray field, COLDS, or LVCOLDS if a new facility is proposed.
- f. Show tap-in or extension to the point of connection to existing collection system (if applicable).
- g. Existing and proposed water supplies and surface water (wells, springs, ponds, streams, etc.)
- h. Existing and proposed rights-of-way.
- i. Existing and proposed buildings, streets, roadways, access roads, etc.
- j. Any designated recreational or open space area.
- k. Wetlands - from National Wetland Inventory Mapping and USGS Hydric Soils Mapping.
- l. Flood plains or Flood prone areas, floodways, (Federal Flood Insurance Mapping)
- m. Prime Agricultural Land.
- n. Any other facilities (pipelines, power lines, etc.)
- o. Orientation to north.
- p. Locations of all site testing activities (soil profile test pits, slope measurements, permeability test sites, background sampling, etc. (if applicable).
- q. Soils types and boundaries when a land based system is proposed.
- r. Topographic lines with elevations when a land based system is proposed

4. WETLAND PROTECTION

YES NO

- a. Are there wetlands in the project area? If yes, ensure these areas appear on the plot plan as shown in the mapping or through on-site delineation.
- b. Are there any construction activities (encroachments, or obstructions) proposed in, along, or through the wetlands? If yes, identify any proposed encroachments on wetlands and identify whether a General Permit or a full encroachment permit will be required. If a full permit is required, address time and cost impacts on the project. Note that wetland encroachments should be avoided where feasible. Also note that a feasible alternative **MUST BE SELECTED** to an identified encroachment on an exceptional value wetland as defined in Chapter 105. Identify any project impacts on streams classified as HQ or EV and address impacts of the permitting requirements of said encroachments on the project.

5. PRIME AGRICULTURAL LAND PROTECTION

YES NO

- Will the project involve the disturbance of prime agricultural lands?
If yes, coordinate with local officials to resolve any conflicts with the local prime agricultural land protection program. The project must be consistent with such municipal programs before the sewage facilities planning module package may be submitted to DEP.
If no, prime agricultural land protection is not a factor to this project.
- Have prime agricultural land protection issues been settled?

6. HISTORIC PRESERVATION ACT

YES NO

- Sufficient documentation is attached to confirm that this project is consistent with DEP Technical Guidance 012-0700-001 *Implementation of the PA State History Code* (available online at the DEP website at www.dep.state.pa.us, select "subject" then select "technical guidance"). As a minimum this includes copies of the completed Cultural Resources Notice (CRN), a return receipt for its submission to the PHMC and the PHMC review letter.

7. PROTECTION OF RARE, ENDANGERED OR THREATENED SPECIES

Check one:

- The "Pennsylvania Natural Diversity Inventory (PNDI) Project Environmental Review Receipt" resulting from my search of the PNDI database and all supporting documentation from jurisdictional agencies (when necessary) is/are attached.
- A completed "Pennsylvania Natural Diversity Inventory (PNDI) Project Planning & Environmental Review Form," (PNDI Form) available at www.naturalheritage.state.pa.us, and all required supporting documentation is attached. I request DEP staff to complete the required PNDI search for my project. I realize that my planning module will be considered incomplete upon submission to the Department and that the DEP review will not begin, and that processing of my planning module will be delayed, until a "PNDI Project Environmental Review Receipt" and all supporting documentation from jurisdictional agencies (when necessary) is/are received by DEP.

Applicant or Consultant Initials _____.

H. ALTERNATIVE SEWAGE FACILITIES ANALYSIS (See Section H of instructions)

- An alternative sewage facilities analysis has been prepared as described in Section H of the attached instructions and is attached to this component.
The applicant may choose to include additional information beyond that required by Section H of the attached instructions.

I. COMPLIANCE WITH WATER QUALITY STANDARDS AND EFFLUENT LIMITATIONS (See Section I of instructions) (Check and complete all that apply.)

1. Waters designated for Special Protection

- The proposed project will result in a new or increased discharge into special protection waters as identified in Title 25, Pennsylvania Code, Chapter 93. The Social or Economic Justification (SEJ) required by Section 93.4c. is attached.

2. Pennsylvania Waters Designated As Impaired

- The proposed project will result in a new or increased discharge of a pollutant into waters that DEP has identified as being impaired by that pollutant. A pre-planning meeting was held with the appropriate DEP regional office staff to discuss water quality based discharge limitations.

3. Interstate and International Waters

- The proposed project will result in a new or increased discharge into interstate or international waters. A pre-planning meeting was held with the appropriate DEP regional office staff to discuss effluent limitations necessary to meet the requirements of the interstate or international compact.

4. Tributaries To The Chesapeake Bay

- The proposed project result in a new or increased discharge of sewage into a tributary to the Chesapeake Bay. This proposal for a new sewage treatment facility or new flows to an existing facility includes total nitrogen and total phosphorus in the following amounts: _____ pounds of TN per year, and _____ pounds of TP per year. Based on the process design and effluent limits, the total nitrogen treatment capacity of the wastewater treatment facility is _____ pounds per year and the total phosphorus capacity is _____ pounds per year as determined by the wastewater treatment facility permittee. The permittee has determined that the additional TN and TP to be contributed by this project (as modified by credits and/or offsets to be provided) will not cause the discharge to exceed the annual total mass limits for these parameters. Documentation of compliance with nutrient allocations is attached.

Name of Permittee Agency, Authority, Municipality _____

Initials of Responsible Agent (See Section G 2.b) _____

See *Special Instructions* (Form 3800-FM-BPNPSM0353-1) for additional information on Chesapeake Bay watershed requirements.

J. CHAPTER 94 CONSISTENCY DETERMINATION (See Section J of instructions)

Projects that propose the use of existing municipal collection, conveyance or wastewater treatment facilities, or the construction of collection and conveyance facilities to be served by existing municipal wastewater treatment facilities must be consistent with the requirements of Title 25, Chapter 94 (relating to Municipal Wasteload Management). If not previously included in Section F, include a general map showing the path of the sewage to the treatment facility. If more than one municipality or authority will be affected by the project, please obtain the information required in this section for each. Additional sheets may be attached for this purpose.

1. Project Flows 10,121 gpd
2. Total Sewage Flows to Facilities (pathway from point of origin through treatment plant)

When providing "treatment facilities" sewage flows, use Annual Average Daily Flow for "average" and Maximum Monthly Average Daily Flow for "peak" in all cases. For "peak flows" in "collection" and "conveyance" facilities, indicate whether these flows are "peak hourly flow" or "peak instantaneous flow" and how this figure was derived (i.e., metered, measured, estimated, etc.).

- a. Enter average and peak sewage flows for each proposed or existing facility as designed or permitted.
- b. Enter the average and peak sewage flows for the most restrictive sections of the existing sewage facilities.
- c. Enter the average and peak sewage flows, projected for 5 years (2 years for pump stations) through the most restrictive sections of the existing sewage facilities. Include existing, proposed (this project) and future project (other approved projects) flows.

To complete the table, refer to the instructions, Section J.

	a. Design and/or Permitted Capacity (gpd) MGD		b. Present Flows (gpd) MGD		c. Projected Flows In 5 years (gpd) MGD (2 years for P.S.)	
	Average	Peak	Average	Peak	Average	Peak
Collection	0.44	1.77	0.11	0.43	0.12	0.47
Conveyance	58	81	30	78 ⁽¹⁾	31	80 ⁽¹⁾
Treatment	40	52	32.3	40	33.4	42

3. Collection and Conveyance Facilities (1) PEAK HOURLY FLOW - ESTIMATED

The questions below are to be answered by the sewer authority, municipality, or agency responsible for completing the Chapter 94 report for the collection and conveyance facilities. These questions should be answered in coordination with the latest Chapter 94 annual report and the above table. The individual(s) signing below must be legally authorized to make representation for the organization.

YES NO

- a. YES NO This project proposes sewer extensions or tap-ins. Will these actions create a hydraulic overload within five years on any existing collection or conveyance facilities that are part of the system?

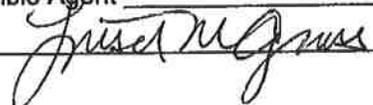
If yes, this sewage facilities planning module will not be accepted for review by the municipality, delegated local agency and/or DEP until all inconsistencies with Chapter 94 are resolved or unless there is an approved Corrective Action Plan (CAP) granting an allocation for this project. A letter granting allocations to this project under the CAP must be attached to the module package.

If no, a representative of the sewer authority, municipality, or agency responsible for completing the Chapter 94 report for the collection and conveyance facilities must sign below to indicate that the collection and conveyance facilities have adequate capacity and are able to provide service to the proposed development in accordance with both §71.53(d)(3) and Chapter 94 requirements and that this proposal will not affect that status.

- b. Collection System

Name of Agency, Authority, Municipality City of Allentown, Lehigh County Authority, Agent

Name of Responsible Agent Liesel M. Gross

Agent Signature  Date 9/18/17

J. CHAPTER 94 CONSISTENCY DETERMINATION (See Section J of Instructions)

c. Conveyance System

Name of Agency, Authority, Municipality City of Allentown, Lehigh County Authority, Agent

Name of Responsible Agent Liesel M. Gross

Agent Signature *Liesel M. Gross*

Date 9/18/17

4. Treatment Facility

The questions below are to be answered by a representative of the facility permittee in coordination with the information in the table and the latest Chapter 94 report. The individual signing below must be legally authorized to make representation for the organization.

YES NO

- a. YES NO This project proposes the use of an existing wastewater treatment plant for the disposal of sewage. Will this action create a hydraulic or organic overload within 5 years at that facility?

If yes, this planning module for sewage facilities will not be reviewed by the municipality, delegated local agency and/or DEP until this inconsistency with Chapter 94 is resolved or unless there is an approved CAP granting an allocation for this project. A letter granting allocations to this project under the CAP must be attached to the planning module.

If no, the treatment facility permittee must sign below to indicate that this facility has adequate treatment capacity and is able to provide wastewater treatment services for the proposed development in accordance with both §71.53(d)(3) and Chapter 94 requirements and that this proposal will not impact that status.

- b. Name of Agency, Authority, Municipality City of Allentown, Lehigh County Authority, Agent

Name of Responsible Agent Liesel M. Gross

Agent Signature *Liesel M. Gross*

Date 9/18/17

K. TREATMENT AND DISPOSAL OPTIONS (See Section K of Instructions)

This section is for land development projects that propose construction of wastewater treatment facilities. Please note that, since these projects require permits issued by DEP, these projects may NOT receive final planning approval from a delegated local agency. Delegated local agencies must send these projects to DEP for final planning approval.

Check the appropriate box indicating the selected treatment and disposal option.

1. Spray Irrigation (other than individual residential spray systems (IRSIS)) or other land application is proposed, and the information requested in Section K.1. of the planning module instructions are attached.
2. Recycle and reuse is proposed and the information requested in Section K-2 of the planning module instructions is attached.
3. A discharge to a dry stream channel is proposed, and the information requested in Section K.3. of the planning module instructions are attached.
4. A discharge to a perennial surface water body is proposed, and the information requested in Section K.4. of the planning module instructions are attached.

L. PERMEABILITY TESTING (See Section L of Instructions)

- The information required in Section L of the instructions is attached.

M. PRELIMINARY HYDROGEOLOGIC STUDY (See Section M of Instructions)

- The information required in Section M of the instructions is attached.

N. DETAILED HYDROGEOLOGIC STUDY (See Section N of Instructions)

The detailed hydrogeologic information required in Section N. of the instructions is attached.

O. SEWAGE MANAGEMENT (See Section O of Instructions)

(1-3 for completion by the developer(project sponser), 4-5 for completion by the non-municipal facility agent and 6 for completion by the municipality)

Yes No

1. Is connection to, or construction of, a DEP permitted, non-municipal sewage facility or a local agency permitted, community onlot sewage facility proposed.

If Yes, respond to the following questions, attach the supporting analysis, and an evaluation of the options available to assure long-term proper operation and maintenance of the proposed non-municipal facilities. If No, skip the remainder of Section O.

2. Project Flows _____ gpd

Yes No

3. Is the use of nutrient credits or offsets a part of this project?

If yes, attach a letter of intent to purchase the necessary credits and describe the assurance that these credits and offsets will be available for the remaining design life of the non-municipal sewage facility;

(For completion by non-municipal facility agent)

4. Collection and Conveyance Facilities

The questions below are to be answered by the organization/individual responsible for the non-municipal collection and conveyance facilities. The individual(s) signing below must be legally authorized to make representation for the organization.

Yes No

- a. If this project proposes sewer extensions or tap-ins, will these actions create a hydraulic overload on any existing collection or conveyance facilities that are part of the system?

If yes, this sewage facilities planning module will not be accepted for review by the municipality, delegated local agency and/or DEP until this issue is resolved.

If no, a representative of the organization responsible for the collection and conveyance facilities must sign below to indicate that the collection and conveyance facilities have adequate capacity and are able to provide service to the proposed development in accordance with Chapter 71 §71.53(d)(3) and that this proposal will not affect that status.

- b. Collection System

Name of Responsible Organization _____

Name of Responsible Agent _____

Agent Signature _____

Date _____

- c. Conveyance System

Name of Responsible Organization _____

Name of Responsible Agent _____

Agent Signature _____

Date _____

5. Treatment Facility

The questions below are to be answered by a representative of the facility permittee. The individual signing below must be legally authorized to make representation for the organization.

Yes No

- a. If this project proposes the use of an existing non-municipal wastewater treatment plant for the disposal of sewage, will this action create a hydraulic or organic overload at that facility?

If yes, this planning module for sewage facilities will not be reviewed by the municipality, delegated local agency and/or DEP until this issue is resolved.

If no, the treatment facility permittee must sign below to indicate that this facility has adequate treatment capacity and is able to provide wastewater treatment services for the proposed development in accordance with §71.53(d)(3) and that this proposal will not impact that status.

- b. Name of Facility _____
Name of Responsible Agent _____
Agent Signature _____
Date _____

(For completion by the municipality)

6. The **SELECTED OPTION** necessary to assure long-term proper operation and maintenance of the proposed non-municipal facilities is clearly identified with documentation attached in the planning module package.

P. PUBLIC NOTIFICATION REQUIREMENT (See Section P of instructions)

This section must be completed to determine if the applicant will be required to publish facts about the project in a newspaper of general circulation to provide a chance for the general public to comment on proposed new land development projects. This notice may be provided by the applicant or the applicant's agent, the municipality or the local agency by publication in a newspaper of general circulation within the municipality affected. Where an applicant or an applicant's agent provides the required notice for publication, the applicant or applicant's agent shall notify the municipality or local agency and the municipality and local agency will be relieved of the obligation to publish. The required content of the publication notice is found in Section P of the Instructions.

To complete this section, each of the following questions must be answered with a "yes" or "no". Newspaper publication is required if any of the following are answered "yes".

Yes No

1. Does the project propose the construction of a sewage treatment facility ?
2. Will the project change the flow at an existing sewage treatment facility by more than 50,000 gallons per day?
3. Will the project result in a public expenditure for the sewage facilities portion of the project in excess of \$100,000?
4. Will the project lead to a major modification of the existing municipal administrative organizations within the municipal government?
5. Will the project require the establishment of *new* municipal administrative organizations within the municipal government?
6. Will the project result in a subdivision of 50 lots or more? (onlot sewage disposal only)
7. Does the project involve a major change in established growth projections?
8. Does the project involve a different land use pattern than that established in the municipality's Official Sewage Plan?

P. PUBLIC NOTIFICATION REQUIREMENT cont'd. (See Section P of Instructions)

- 9. Does the project involve the use of large volume onlot sewage disposal systems (Flow > 10,000 gpd)?
- 10. Does the project require resolution of a conflict between the proposed alternative and consistency requirements contained in §71.21(a)(5)(i), (ii), (iii)?
- 11. Will sewage facilities discharge into high quality or exceptional value waters?
- Attached is a copy of:
 - the public notice,
 - all comments received as a result of the notice,
 - the municipal response to these comments.
- No comments were received. A copy of the public notice is attached.

Q. FALSE SWEARING STATEMENT (See Section Q of Instructions)

I verify that the statements made in this component are true and correct to the best of my knowledge, information and belief. I understand that false statements in this component are made subject to the penalties of 18 PA C.S.A. §4904 relating to unsworn falsification to authorities.

Elizabeth Helsel	
Name (Print)	Signature
Engineer	
Title	Date
515 W. Hamilton Street, Suite 508, Allentown, PA 18101	(484) 778-4653
Address	Telephone Number

R. REVIEW FEE (See Section R of Instructions)

The Sewage Facilities Act establishes a fee for the DEP planning module review. DEP will calculate the review fee for the project and invoice the project sponsor **OR** the project sponsor may attach a self-calculated fee payment to the planning module prior to submission of the planning package to DEP. (Since the fee and fee collection procedures may vary if a "delegated local agency" is conducting the review, the project sponsor should contact the "delegated local agency" to determine these details.) Check the appropriate box.

- I request DEP calculate the review fee for my project and send me an invoice for the correct amount. I understand DEP's review of my project will not begin until DEP receives the correct review fee from me for the project.
- I have calculated the review fee for my project using the formula found below and the review fee guidance in the instructions. I have attached a check or money order in the amount of \$1,265 payable to "Commonwealth of PA, DEP". Include DEP code number on check. I understand DEP will not begin review of my project unless it receives the fee and determines the fee is correct. If the fee is incorrect, DEP will return my check or money order, send me an invoice for the correct amount. I understand DEP review will NOT begin until I have submitted the correct fee.
- I request to be exempt from the DEP planning module review fee because this planning module creates **only** one new lot and is the **only** lot subdivided from a parcel of land as that land existed on December 14, 1995. I realize that subdivision of a second lot from this parcel of land shall disqualify me from this review fee exemption. I am furnishing the following deed reference information in support of my fee exemption.

County Recorder of Deeds for _____ County, Pennsylvania

Deed Volume _____ Book Number _____

Page Number _____ Date Recorded _____

R. REVIEW FEE (continued)

Formula:

1. For a new collection system (with or without a Clean Streams Law Permit), a collection system extension, or individual tap-ins to an existing collection system use this formula.

$$\#25.3 \quad \text{Lots (or EDUs)} \times \$50.00 = \$ 1,265$$

The fee is based upon:

- The number of lots created or number of EDUs whichever is higher.
 - For community sewer system projects, one EDU is equal to a sewage flow of 400 gallons per day.
2. For a surface or subsurface discharge system, use the appropriate one of these formulae.

- A. A new surface discharge greater than 2000 gpd will use a flat fee:

\$ 1,500 per submittal (non-municipal)
\$ 500 per submittal (municipal)

- B. An increase in an existing surface discharge will use:

$$\# \quad \text{Lots (or EDUs)} \times \$35.00 = \$$$

to a maximum of \$ 1,500 per submittal (non-municipal) or \$ 500 per submittal (municipal)

The fee is based upon:

- The number of lots created or number of EDUs whichever is higher.
 - For community sewage system projects one EDU is equal to a sewage flow of 400 gallons per day.
 - For non-single family residential projects, EDUs are calculated using projected population figures
- C. A sub-surface discharge system that requires a permit under The Clean Streams Law will use a flat fee:

\$ 1,500 per submittal (non-municipal)
\$ 500 per submittal (municipal)

**520 HAMILTON STREET
CITY CENTER INVESTMENT CORPORATION**

City of Allentown
Lehigh County, Pennsylvania

Project Narrative

City Center Investment Corporation is proposing the development of 520 Hamilton Street which is on approximately 0.31 acres. The proposed property is located at the southeast corner of the Hamilton Street and South Law Street intersection in Allentown, Pennsylvania. The project will consist of a multi-story residential building with retail, office and maker space.

Based on flow estimates found in Allentown's Codified Ordinance for Sewer (Article 947.04) and using Allentown's Equivalent Dwelling Unit (EDU) rate of 175.5 gpd/EDU, the estimated sewer flow for the project is 10,121 gallons per day, or 57.67 City EDUs (25.3 DEP EDUs at 400 gpd/EDU).

Description	Units	EDU/Unit	EDUs	Gallons Per Day
Residential	69 apartments	0.8	55.20	9,688
Retail	1,000 SF	0.0002	0.20	35
Office	9,400 SF	0.0002	1.88	330
Maker Space*	1,300 SF	0.0003*	0.39	68
TOTAL:			57.67	10,121

Anticipated wastewater will be conveyed to Lehigh County Authority's sewer line located along Hamilton Street. The final wastewater treatment will take place at the City of Allentown Wastewater Treatment Plant. Water will also be provided by the Lehigh County Authority.

SECTION 3.1

LEHIGH COUNTY AUTHORITY – WATER CAPACITY LETTER

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



LEHIGH COUNTY AUTHORITY

1053 SPRUCE STREET • P.O. BOX 3348 • ALLENTOWN, PA 18106-0348

610-398-2503 • FAX 610-398-8413

email: service@lehighcountyauthority.org

July 12, 2017

Mr. Steve Neratko
Director of Planning
City of Allentown
435 Hamilton Street
Allentown, PA 18101

SUBJECT: 520 Hamilton Street Development
520 Hamilton Street
Water Service – Will Serve

Dear Mr. Neratko:

Lehigh County Authority (LCA) is willing to provide public water service in the requested amount of 9,198 GPD to the proposed multi-story building which will contain 69 apartments along with office, retail and marker space. The site is located at 520 Hamilton Street.

LCA has ample capacity to provide water service to this development and the service is presently available in the adjacent streets.

Tapping fees, connection fees, and meter fees are based upon the City of Allentown's ordinances and LCA's schedule of rate fees. Any abandoned lines must be properly capped.

Water service is conditioned upon the following:

1. LCA approval of the site, plumbing and fire protection system plans.
2. Developer obtaining any road opening permits from the municipality and/or PA-DOT to construct the water mains and/or services.
3. Developer executing a Developer's Water System Agreement or a Construction Permit with LCA for construction of the water mains and/or services.
4. Developer installation of water mains and/or services in accordance with the approved plans and applicable LCA policies and regulations, including the current General Specifications for Water System Construction.
5. Developer compliance with the terms and conditions of LCA's Rules and Regulations for Water Service, including completion of an Application for Water Service and payment of all applicable fees. Tapping fees shall be paid to LCA prior to building permits being provided by the City.

Every drop matters. Every customer counts.

The Developer has not submitted a plan to LCA for review at this time.

Sincerely,

A handwritten signature in black ink that reads "Jacob Hunsicker". The signature is written in a cursive style with a small flourish at the end.

Jacob Hunsicker
Capital Works Project Specialist

Cc: Dennis Hammaker, PE - Rettew

SECTION 3.2

LEHIGH COUNTY AUTHORITY – SEWER CAPACITY LETTER

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



LEHIGH COUNTY AUTHORITY

1053 SPRUCE STREET • P.O. BOX 3348 • ALLENTOWN, PA 18106-0348

610-398-2503 • FAX 610-398-8413

email: service@lehighcountyauthority.org

July 12, 2017

Mr. Steve Neratko
Director of Planning
City of Allentown
435 Hamilton Street
Allentown, PA 18101

SUBJECT: 520 Hamilton Street Development
520 Hamilton Street
Sewer Service – Will Serve

Dear Mr. Neratko:

Lehigh County Authority (LCA) is willing to provide public sewer service in the requested amount of 10,121 GPD to the proposed multi-story building which will contain 69 apartments along with office, retail and marker space. The site is located at 520 Hamilton Street.

LCA has ample capacity to provide sewer service in our collection system and at the city wastewater treatment plant for this development.

Tapping fees will be based upon the City of Allentown's ordinances and LCA's schedule of rate fees.

Sewer service is conditioned upon the following:

1. The developer obtaining approval of a PA-DEP Sewage Facilities Planning Module.
2. LCA approval of the site and plumbing plans.
3. Developer obtaining any road opening permits from the municipality and/or PA-DOT to construct the sewer mains and/or services.
4. Developer executing a Developer's Sewer System Agreement or a Construction Permit with LCA for construction of the sewer mains and/or services.
5. Developer installation of the sewer system in accordance with the approved plans and applicable LCA policies and regulations, including the current General Specifications for Sewer System Construction.
6. Developer compliance with the terms and conditions of LCA's Rules and Regulations for Sewer Service, including completion of an Application for Sewer Service and payment of applicable fees and charges in its Schedule of Wastewater Rates & Charges. Tapping fees shall be paid to LCA prior to building permits being provided by the City.

Every drop matters. Every customer counts.

The Developer has not submitted any plans to LCA for review at this time.

Sincerely,



**Jacob Hunsicker
Capital Works Project Specialist**

Cc: Dennis Hammaker, PE - Rettew

SECTION 3.3

PROJECT NARRATIVE

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

520 HAMILTON STREET

CITY CENTER INVESTMENT CORPORATION

City of Allentown
Lehigh County, Pennsylvania

Project Narrative

City Center Investment Corporation is proposing the development of 520 Hamilton Street which is on approximately 0.31 acres. The proposed property is located at the southeast corner of the Hamilton Street and South Law Street intersection in Allentown, Pennsylvania. The project will consist of a multi-story residential building with retail, office and maker space.

Based on flow estimates found in Allentown's Codified Ordinance for Sewer (Article 947.04) and using Allentown's Equivalent Dwelling Unit (EDU) rate of 175.5 gpd/EDU, the estimated sewer flow for the project is 10,121 gallons per day, or 57.67 City EDUs (25.3 DEP EDUs at 400 gpd/EDU).

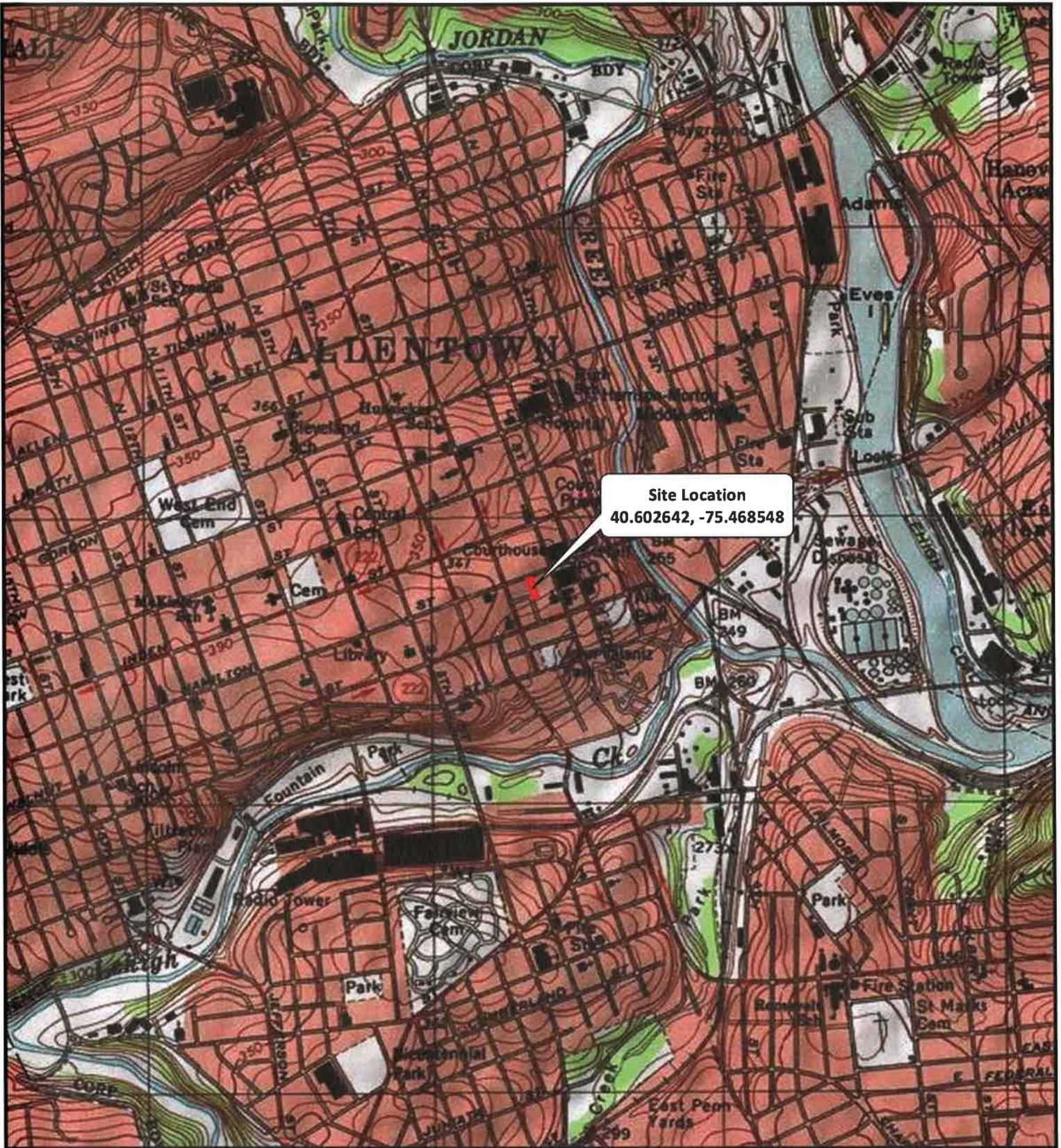
Description	Units	EDU/Unit	EDUs	Gallons Per Day
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Retail	1,000 SF	0.0002	0.20	35
Office	9,400 SF	0.0002	1.88	330
Maker Space*	1,300 SF	0.0003*	0.39	68
TOTAL:			57.67	10,121

Anticipated wastewater will be conveyed to Lehigh County Authority's sewer line located along Hamilton Street. The final wastewater treatment will take place at the City of Allentown Wastewater Treatment Plant. Water will also be provided by the Lehigh County Authority.

SECTION 3.4

USGS LOCATION MAP

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



Site Location
40.602642, -75.468548

 Site Boundary

City Center Investment Corp.

520 Hamilton Street

Figure 1 - Site Location Map

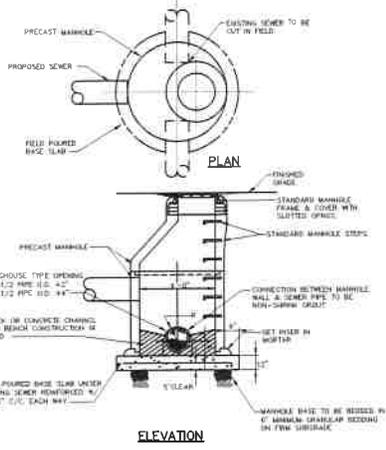
Project No. 096772004



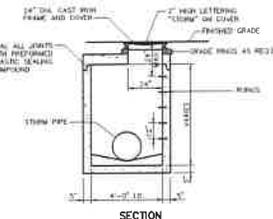
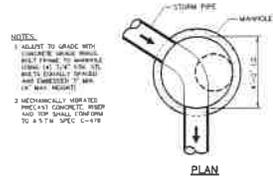
SECTION 3.5

PLOT PLAN

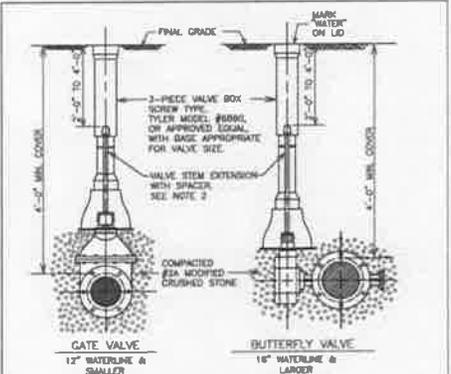
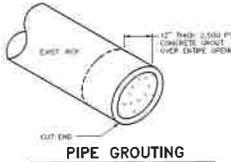
**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



DOGHOUSE MANHOLE DETAIL

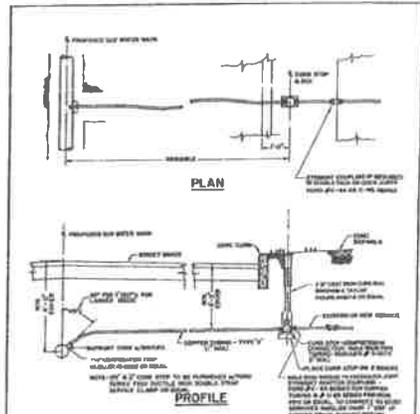


STORM MANHOLE

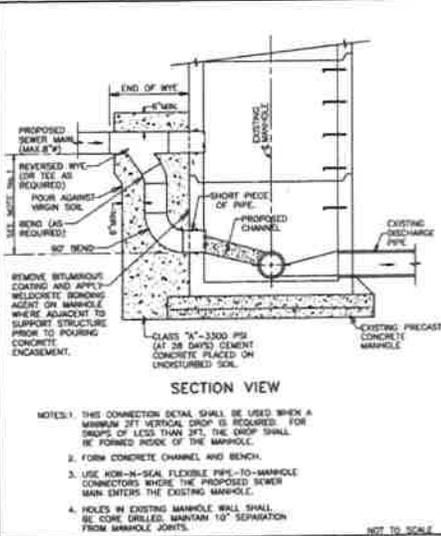


- NOTES:**
1. VALVES SHALL BE RESTRAINED TO A FITTING USING METALGLOBS OR AN APPROVED EQUAL.
 2. ANY VALVE WHOSE OPERATING NUT IS GREATER THAN 4 FEET DEEP SHALL BE EQUIPPED WITH AN EXTENSION STEM THAT HAS A MINIMUM 1-INCH SQUARE SOLID STEEL SHAFT FITTED OVER THE OPERATING NUT AND HAVE A 2-INCH SQUARE OPERATING NUT ON THE TOP. THE SHAFT SHALL BE CENTERED IN THE BOX WITH A SPACER AND BE FASTENED TO THE OPERATING NUT. THE EXTENSION NUT SHALL BE MANUFACTURED BY THE VALVE MANUFACTURER OR APPROVED EQUAL.

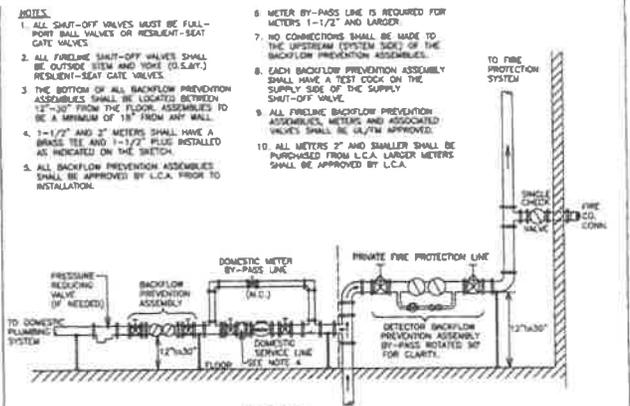
WATER SYSTEM STANDARD DETAIL		LEHIGH COUNTY AUTHORITY	
VALVE AND VALVE BOX		P. O. BOX 3348	
		1053 SPRUCE STREET	
		ALLENTOWN, PA. 18106	
DATE: 01.11.11	SCALE: 1/8" = 1'-0"	BY: J. B. B. / J. L. C.	APP: M. J. B. / J. L. C.



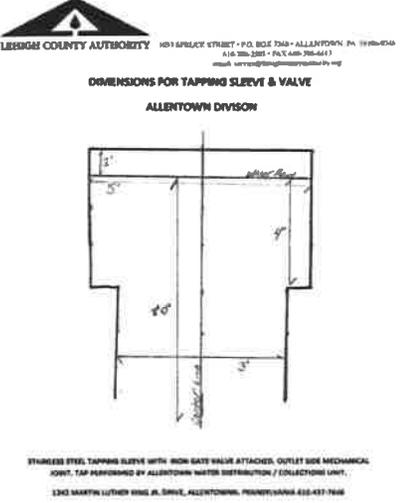
NEW WATER SERVICE ASSEMBLY DETAIL			
CITY OF ALLENTOWN, PA.			
DEPT. OF PUBLIC WORKS			
BUREAU OF ENGINEERING			
STANDARD W-20-B			
DATE: 01.11.11	SCALE: 1/8" = 1'-0"	BY: J. B. B. / J. L. C.	APP: M. J. B. / J. L. C.



SEWER SYSTEM STANDARD DETAIL		LEHIGH COUNTY AUTHORITY	
OUTSIDE DROP CONNECTION TO EXISTING LEHIGH COUNTY AUTHORITY MANHOLE		P. O. BOX 3348	
		1053 SPRUCE STREET	
		ALLENTOWN, PA. 18106	
DATE: 01.11.11	SCALE: 1/8" = 1'-0"	BY: J. B. B. / J. L. C.	APP: M. J. B. / J. L. C.



NOT TO SCALE		LEHIGH COUNTY AUTHORITY	
SAMPLE INSTALLATION SKETCH-- DOMESTIC SERVICE LINE & PRIVATE FIRE PROTECTION LINE		P. O. BOX 3348	
		1053 SPRUCE STREET	
		ALLENTOWN, PA. 18106	
DATE: 01.11.11	SCALE: 1/8" = 1'-0"	BY: J. B. B. / J. L. C.	APP: M. J. B. / J. L. C.



REVIEW

CONSTRUCTION DETAILS

FINAL LAND DEVELOPMENT PLAN

FOR

520 HAMILTON STREET

LEHIGH COUNTY, PA

DATE: 07/07/2017

SHEET NO: C-08 of 15

DWG NO: 008.772004

MANAGER: DAVID MILLER, P. E.

DESIGNED BY: J. B. B.

CHECKED BY: J. L. C.

DRAWN BY: J. B. B.

DATE: 01.11.11

SCALE: 1/8" = 1'-0"

BY: J. B. B. / J. L. C.

APP: M. J. B. / J. L. C.

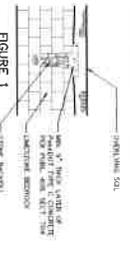


FIGURE 1
SECTION VIEW
1/2" WIDE TOP EDGE
1/2" WIDE BOTTOM EDGE
CONCRETE CURB
CONCRETE BASE
1/2" GAP

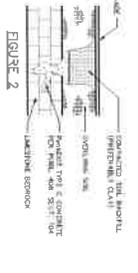
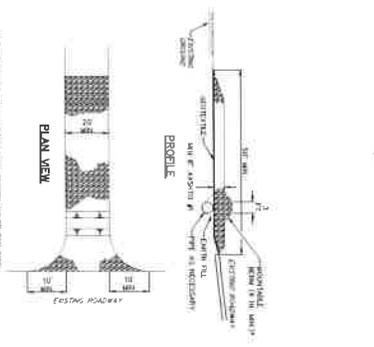
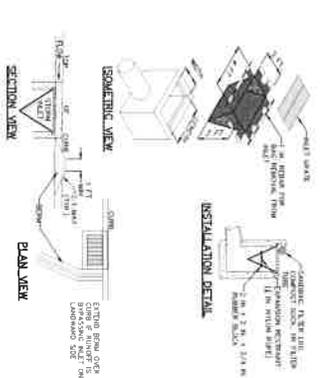


FIGURE 2
SECTION VIEW
1/2" WIDE TOP EDGE
1/2" WIDE BOTTOM EDGE
CONCRETE CURB
CONCRETE BASE
1/2" GAP

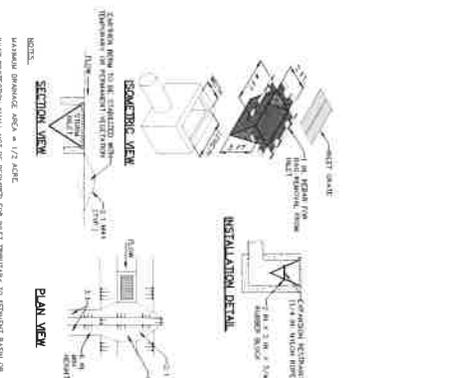
SINKHOLE REMEDIATION



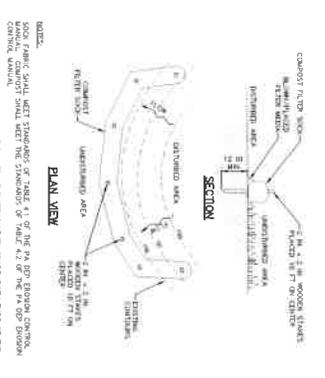
STANDARD CONSTRUCTION DETAIL #3-1
ROCK CONSTRUCTION ENTRANCE
NOT TO SCALE



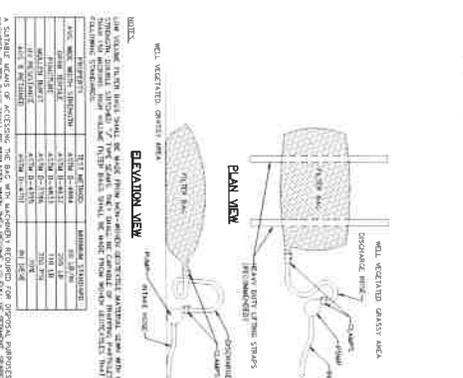
STANDARD CONSTRUCTION DETAIL #4-15
FILTER BAG INLET PROTECTION - TYPE C INLET
NOT TO SCALE



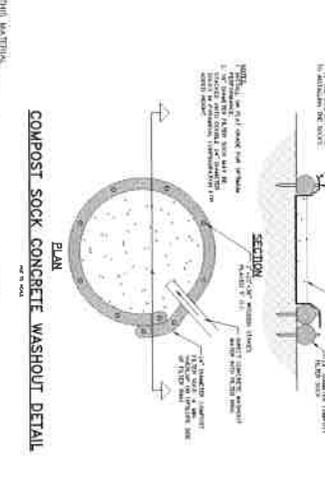
STANDARD CONSTRUCTION DETAIL #4-16
FILTER BAG INLET PROTECTION - TYPE M INLET
NOT TO SCALE



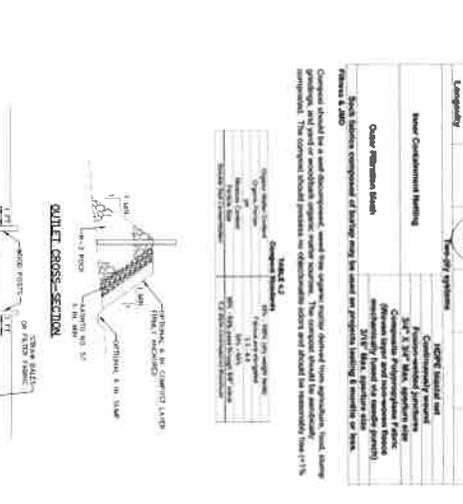
STANDARD CONSTRUCTION DETAIL #3-16
PUMPED WATER FILTER BAG
NOT TO SCALE



STANDARD CONSTRUCTION DETAIL #4-6
ROCK FILTER OUTLET
NOT TO SCALE



STANDARD CONSTRUCTION DETAIL #4-6
ROCK FILTER OUTLET
NOT TO SCALE



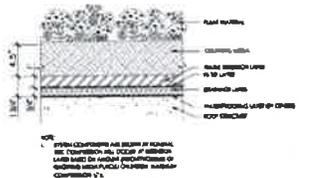
STANDARD CONSTRUCTION DETAIL #4-6
ROCK FILTER OUTLET
NOT TO SCALE

TABLE 4.1
COMPOST SOCK CONCRETE WASHOUT DETAIL

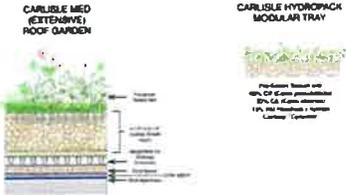
Material Type	3 mil (GFC)	6 mil (GFC)	6 mil (HDP)	12 mil (HDP)	12 mil (HDP)
Material Characteristics	Phenolic	Phenolic	Phenolic	Phenolic	Phenolic
Thickness	3 mil	6 mil	6 mil	12 mil	12 mil
Weight	1.2 lb/100 sq ft	2.4 lb/100 sq ft	2.4 lb/100 sq ft	4.8 lb/100 sq ft	4.8 lb/100 sq ft
Installation	6 months	6 months	6 months	1 year	2 years

VEGETATED ROOF GENERALIZED CONSTRUCTION SEQUENCE

1. VISUALLY INSPECT THE COMPLETED WATERPROOFING TO IDENTIFY ANY APPARENT FLAWS, IRREGULARITIES, OR CONDITIONS THAT WILL INTERFERE WITH THE INTEGRITY OR FUNCTIONALITY OF THE VEGETATED COVER SYSTEM. THE WATERPROOFING SHOULD BE TESTED FOR WATER-TIGHTNESS BY THE ROOFING APPLICATION.
2. INSTITUTE A LEAK PROTECTION PROGRAM
3. INTRODUCE MEASURES TO PROTECT THE FINISHED WATERPROOFING FROM PHYSICAL DAMAGE.
4. INSTALL SLOPE STABILIZATION MEASURES (PINNED ROOFING WITH PITCHES IN EXCESS OF 3:1) IN SOME INSTALLATIONS SLOPE STABILIZATION MEASURES CAN BE INTEGRATED AS PART OF THE ROOF STRUCTURE AND WILL ALREADY BE IN PLACE AT THE START OF THE CONSTRUCTION SEQUENCE.
5. IF THE WATERPROOFING MATERIALS ARE NOT ROOT FAST, INSTALL A ROOT-BARRIER LAYER.
6. LAYOUT KEY DRAINAGE AND IRRIGATION COMPONENTS, INCLUDING DRAIN ACCESS CHAMBERS, INTERNAL DRAINAGE CONDUIT, CONDUIT BARRIER UNITS, AND ISOLATION TRACES FROM ROOF-TOP VENTILES, HATCHES, AND PENETRATIONS
7. INSTALL WALKWAYS AND PATHS.
8. TEST IRRIGATION SYSTEMS.
9. INSTALL THE DRAINAGE LAYER, DEPENDING ON THE VARIATION TYPE, THIS COULD BE A RECOMPOSITE DRAIN MAT, OR COURSE OF DRAINAGE MATERIAL.
10. COVER THE DRAINAGE LAYER WITH THE SEPARATION FABRIC (IN SOME ASSEMBLIES FABRIC IS PRE-BONDED TO A SYNTHETIC DRAINAGE LAYER)
11. INSTALL THE UPPER GROWTH MEDIA LAYER (DUAL MEDIA ASSEMBLY ONLY).
12. ESTABLISH THE FIBRILAR COVER PLANTINGS FROM OUTLINES, SEED, PLANT, OR PRE-GROWN MATS.
13. PROVIDE PROTECTION FROM WIND DISRUPTIONS AS WARRANTED BY THE PROJECT CONDITIONS, AND PLANT ESTABLISHMENT METHOD.



GREEN ROOF DETAIL
NOT TO SCALE



ALTERNATE GARDEN ROOF DETAIL
NOT TO SCALE

VEGETATED ROOF OPERATION, MAINTENANCE, AND INSPECTION

1. WATERING
 - 1.1. CUTTINGS
 - OVERCAST WATERING TWICE DAILY FOR THE FIRST TWO (2) WEEKS
 - ONCE A DAY FOR THE THIRD WEEK
 - ONCE A WEEK FOR THE NEXT FOUR (4) WEEKS
 - 1.2. PLUGS - ONCE A WEEK FOR FOUR (4) WEEKS
 - 1.3. SEED - ONCE A WEEK FOR FOUR (4) WEEKS
 - 1.4. FOCUS WATERING / IRRIGATION EFFORTS DURING THE ESTABLISHMENT PERIOD (THE FIRST TWO MONTHS FOLLOWING INSTALLATION) AND DURING THE FIRST SUMMER GROWING SEASON
 - 1.5. DURING PROLONGED HOT / DRY WEATHER (75° OR ABOVE WITH LESS THAN 1 INCH OF RAINFALL PER MONTH) OR WHEN PLANTS BECOME OVERSTY STRESSED, WATERING / IRRIGATION SHOULD BE APPLIED, TEMPORARILY, TO RE-WET THE SOIL TO THE POINT OF SATURATION.
 - 1.6. CHECK FOR WILTING OR STRESS ON A MONTHLY BASIS.
 - 1.7. FERTILIZE IN SMALL AMOUNTS DURING THE ESTABLISHMENT PERIOD, IN ORDER TO ENCOURAGE FASTER ESTABLISHMENT.
 - 1.8. REMOVE WEEDS AND DEAD PLANTS BY HAND WHERE NECESSARY ON A MONTHLY BASIS.
 - 1.9. REMOVE ANY FALLEN OR MATTED TREE LEAVES, SEEDS, DEAD LIMBS, OR ANY OTHER ORGANIC DEBRIS ON A REGULAR BASIS
 2. ROOF DRAINS SHOULD BE INSPECTED AT LEAST EVERY TWO WEEKS AND ANY DEBRIS SHOULD BE REMOVED.
 3. THE IRRIGATION SYSTEM SHALL BE CHECKED MONTHLY. (NOTE: AN IRRIGATION SYSTEM IS NOT PROVIDED FOR THIS PROJECT)

GREEN ROOF TO BE FIRESTONE SURFACE SYSTEM AND SHALL HAVE A MINIMUM VEGETATED AREA OF 2,240 SF. SYSTEM TO BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS. FINAL ARCHITECTURAL UNDER ROOF PLANS SHALL BE SUBMITTED TO THE LEHIGH COUNTY CONSERVATION DISTRICT FOR CONFIRMATION.

GREEN ROOF PLANT LIST

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SITE CONDITIONS
BT	2	BEE NOTE 3	BEE NOTE 3	

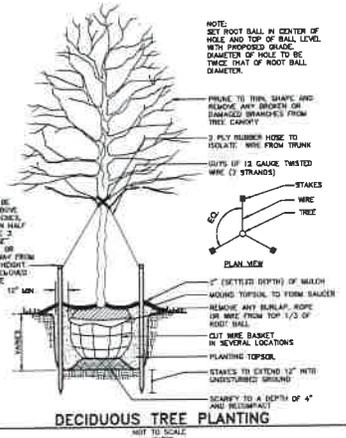
PLANT SCHEDULE

SYMBOL	QUANTITY	BOTANICAL NAME	COMMON NAME	SITE CONDITIONS
BT	2	BEE NOTE 3	BEE NOTE 3	

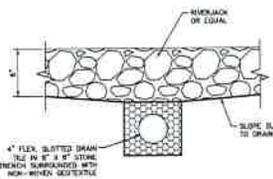
- NOTES:**
1. TOTAL STREET FRONTAGE = 80.0 LF (WEST HAMILTON STREET)
 2. THE CITY SHADE TREE ORDINANCE, 1 SHADE TREE IS REQUIRED FOR EVERY 40 LF OF STREET FRONTAGE
 3. STREET TREES REQUIRED
 4. PERMITS SHALL BE OBTAINED FROM THE CITY OF ALLENTOWN PUBLIC WORKS DEPARTMENT FOR ALL STREET TREE PLANTINGS

Part 2 Revegetate and Reforest

- To receive credit for planting trees, the following criteria must be met:
- 1. Trees must be native species (see Appendix), minimum 2" caliper, Minimum tree height is 8 feet
 - 2. Trees shall be adequately protected during construction.
 - 3. Trees credited for stormwater management shall be clearly labeled on the construction drawings and mounted on Record Plans for project.
 - 4. Trees shall be maintained and protected for the life of the project (50 years) or until redevelopment occurs.
 - 5. No more than 25% of the runoff volume can be mitigated through the use of trees.
 - 6. Excavate shall be provided for the replacement of any protected trees used for stormwater credits that die within 5 years of construction. Dead trees shall be replaced within 6 months.
 - 7. Shall be located on the development project
 - 8. May be applied for trees required under 8 Street Tree or Landscaping requirements.
 - 9. May be applied for trees planted as part of Riparian Buffer improvement.
 - 10. Non-native species are not applicable.



DECIDUOUS TREE PLANTING
NOT TO SCALE



UNDERDRAIN DETAIL
NOT TO SCALE

CERTIFICATIONS

CERTIFICATION OF OWNER OF RECORD OF DEDICATION

I (WE), THE UNDERSIGNED, BEING THE OWNER(S) IN PEACEFUL POSSESSION OF THE LAND HEREIN PLATTED AND BEING THAT THERE ARE NO SAID PERSONS AFFICTING THE TITLE OF THE SAME, DO HEREBY ADOPT THIS PLAN OF PROPERTY DETAIL IN THE CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA, LAND DEDICATED TO THE USE OF THE PUBLIC FOREVER, ALL LAND FOR PUBLIC PURPOSES SHOWN HEREON.

THE FOREGOING ADOPTION (AND DEDICATION) IS MADE BY ME (US) WITH THE FULL UNDERSTANDING AND AGREEMENT THAT THE APPROVAL BY THE ALLENTOWN CITY PLANNING COMMISSION, IF HERETO ATTACHED, WILL BECOME NULL AND VOID UNLESS THIS PLAN IS RECORDED IN THE RECORDER OF DEEDS OFFICE OF LEHIGH COUNTY, PENNSYLVANIA, WITHIN NINETY (90) DAYS OF THE DATE OF THE APPROVAL.

SIGNATURE OF CITY CENTER INVESTMENT CORP. _____

NOTARIZATION: CITY CENTER INVESTMENT CORP. SHOWN AND SUBSCRIBED BEFORE ME THIS _____ DAY OF _____ (LEGIBLE IMPRESSION OF NOTARY SEAL)

NOTARY PUBLIC: _____

MY COMMISSION EXPIRES: _____

PLANNING COMMISSION APPROVAL

THE WITHIN PLOT OR PLAN LOCATED IN THE CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA, WAS APPROVED BY THE ALLENTOWN CITY PLANNING COMMISSION.

CHAIRMAN: _____ DATE: _____

PLANNING DIRECTOR: _____ DATE: _____

SECRETARY: _____ DATE: _____

APPROVED: _____

CITY ENGINEER: _____ DATE: _____

CERTIFICATION OF LEHIGH VALLEY PLANNING COMMISSION

REVIEWED BY THE LEHIGH VALLEY PLANNING COMMISSION

PLANNING, DATE: _____

SURVEY CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN COMPILED FROM A SURVEY ACTUALLY MADE ON THE GROUND, THAT IT IS CORRECT AND, AT THE TIME THE SURVEY WAS MADE, THERE WERE NO ENCUMBRANCES OR ENCROACHMENTS AFFECTING PROPERTY LINES, OTHER THAN THOSE SHOWN.

REGISTERED SURVEYOR: _____ DATE: _____

PROOF OF RECORDING

PLAN RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF LEHIGH COUNTY, PENNSYLVANIA.

IN DOCKET ID # _____ ON THE _____ DAY OF _____, 20____.

WHERE MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

WITNES: RECORDER OF DEEDS _____

FOR REVIEW ASSOCIATES, INC.

DATE: 07/07/2017

SHEET NO. C-15 OF 15

DWG. NO. 098722004

1. DRAFT/70% FOR CITY AND LEAD REVIEW COMMENTS

DATE: _____

REVISION: _____

MANAGER: DAVID WALKER, P.E. CITY CENTER INVESTMENT CORP.

ENGINEER: DAVID WALKER, P.E. CITY CENTER INVESTMENT CORP.

PLANNING DIRECTOR: _____

SECRETARY: _____

APPROVED: _____

CITY ENGINEER: _____

PLANNING COMMISSION APPROVAL

CHAIRMAN: _____ DATE: _____

PLANNING DIRECTOR: _____ DATE: _____

SECRETARY: _____ DATE: _____

APPROVED: _____

CITY ENGINEER: _____ DATE: _____

CERTIFICATION OF LEHIGH VALLEY PLANNING COMMISSION

REVIEWED BY THE LEHIGH VALLEY PLANNING COMMISSION

PLANNING, DATE: _____

SURVEY CERTIFICATION

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN COMPILED FROM A SURVEY ACTUALLY MADE ON THE GROUND, THAT IT IS CORRECT AND, AT THE TIME THE SURVEY WAS MADE, THERE WERE NO ENCUMBRANCES OR ENCROACHMENTS AFFECTING PROPERTY LINES, OTHER THAN THOSE SHOWN.

REGISTERED SURVEYOR: _____ DATE: _____

PROOF OF RECORDING

PLAN RECORDED IN THE OFFICE OF THE RECORDER OF DEEDS OF LEHIGH COUNTY, PENNSYLVANIA.

IN DOCKET ID # _____ ON THE _____ DAY OF _____, 20____.

WHERE MY HAND AND SEAL OF OFFICE THIS _____ DAY OF _____, 20____.

WITNES: RECORDER OF DEEDS _____

SECTION 3.6

PHMC COMMENTS

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

**520 HAMILTON STREET
CITY CENTER INVESTMENT CORPORATION**

City of Allentown
Lehigh County, Pennsylvania

PHMC Comment

The limit of disturbance of the proposed development is 0.31 acres. PHMC archeological resource screening is not required to submit to PADEP as part of the Sewage Planning Module Application since earth disturbance is less than 10 acres.

SECTION 3.7

PNDI RECEIPT

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

1. PROJECT INFORMATION

Project Name: **520 Hamilton Street**

Date of Review: **6/12/2017 09:05:37 AM**

Project Category: **Development, Residential, Subdivision containing more than 2 lots and/or 2 single-family units**

Project Area: **0.85 acres**

County(s): **Lehigh**

Township/Municipality(s): **ALLENTOWN**

ZIP Code: **18101**

Quadrangle Name(s): **ALLENTOWN EAST**

Watersheds HUC 8: **Lehigh**

Watersheds HUC 12: **Little Lehigh Creek-Lehigh River; Lower Jordan Creek**

Decimal Degrees: **40.602687, -75.468526**

Degrees Minutes Seconds: **40° 36' 9.6745" N, 75° 28' 6.6947" W**

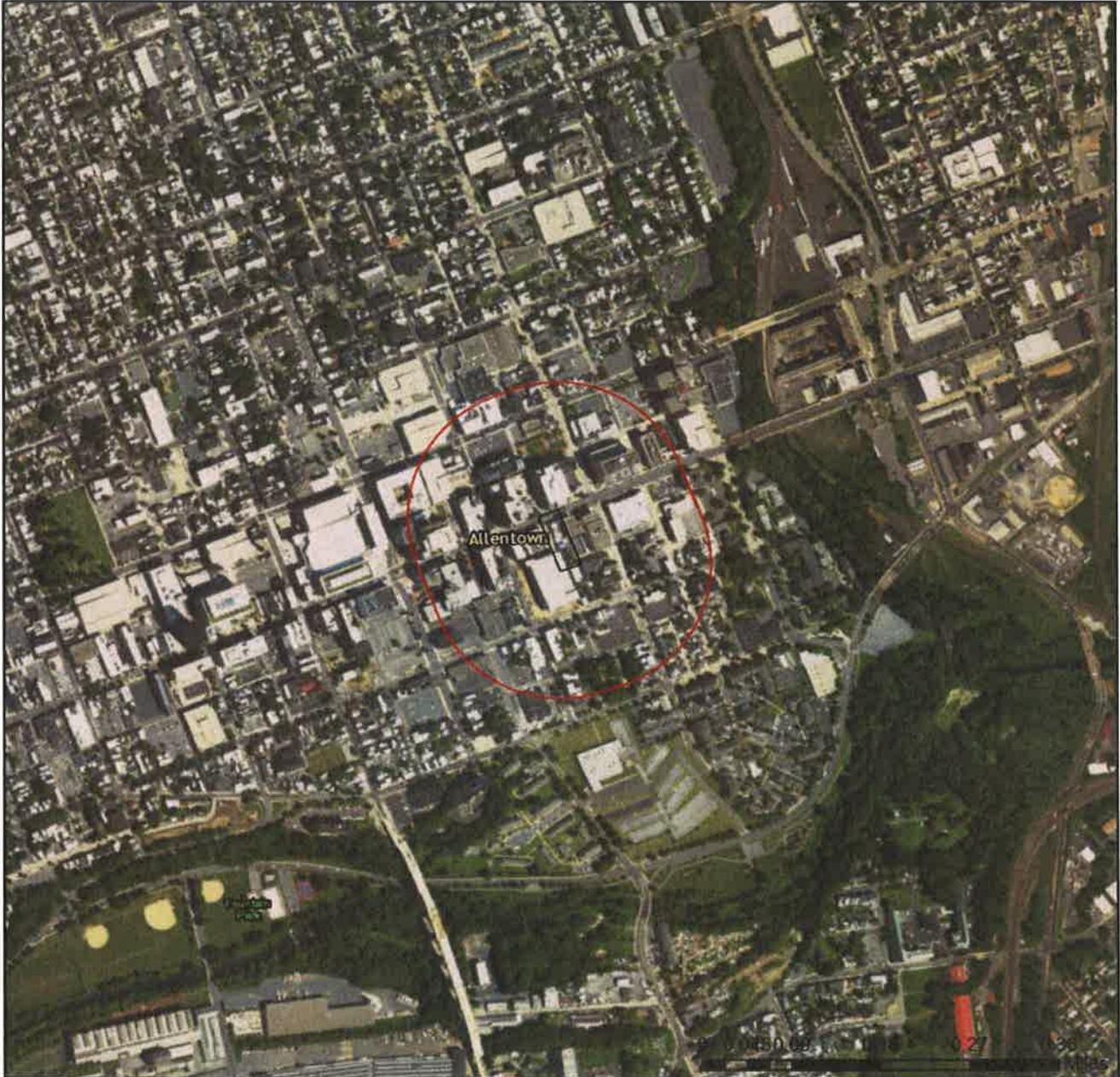
2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	No Known Impact	No Further Review Required
PA Department of Conservation and Natural Resources	No Known Impact	No Further Review Required
PA Fish and Boat Commission	No Known Impact	No Further Review Required
U.S. Fish and Wildlife Service	No Known Impact	No Further Review Required

As summarized above, Pennsylvania Natural Diversity Inventory (PNDI) records indicate no known impacts to threatened and endangered species and/or special concern species and resources within the project area. Therefore, based on the information you provided, no further coordination is required with the jurisdictional agencies. This response does not reflect potential agency concerns regarding impacts to other ecological resources, such as wetlands.

Note that regardless of PNDI search results, projects requiring a Chapter 105 DEP individual permit or GP 5, 6, 7, 8, 9 or 11 in certain counties (Adams, Berks, Bucks, Carbon, Chester, Cumberland, Delaware, Lancaster, Lebanon, Lehigh, Monroe, Montgomery, Northampton, Schuylkill and York) must comply with the bog turtle habitat screening requirements of the PASPGP.

520 Hamilton Street

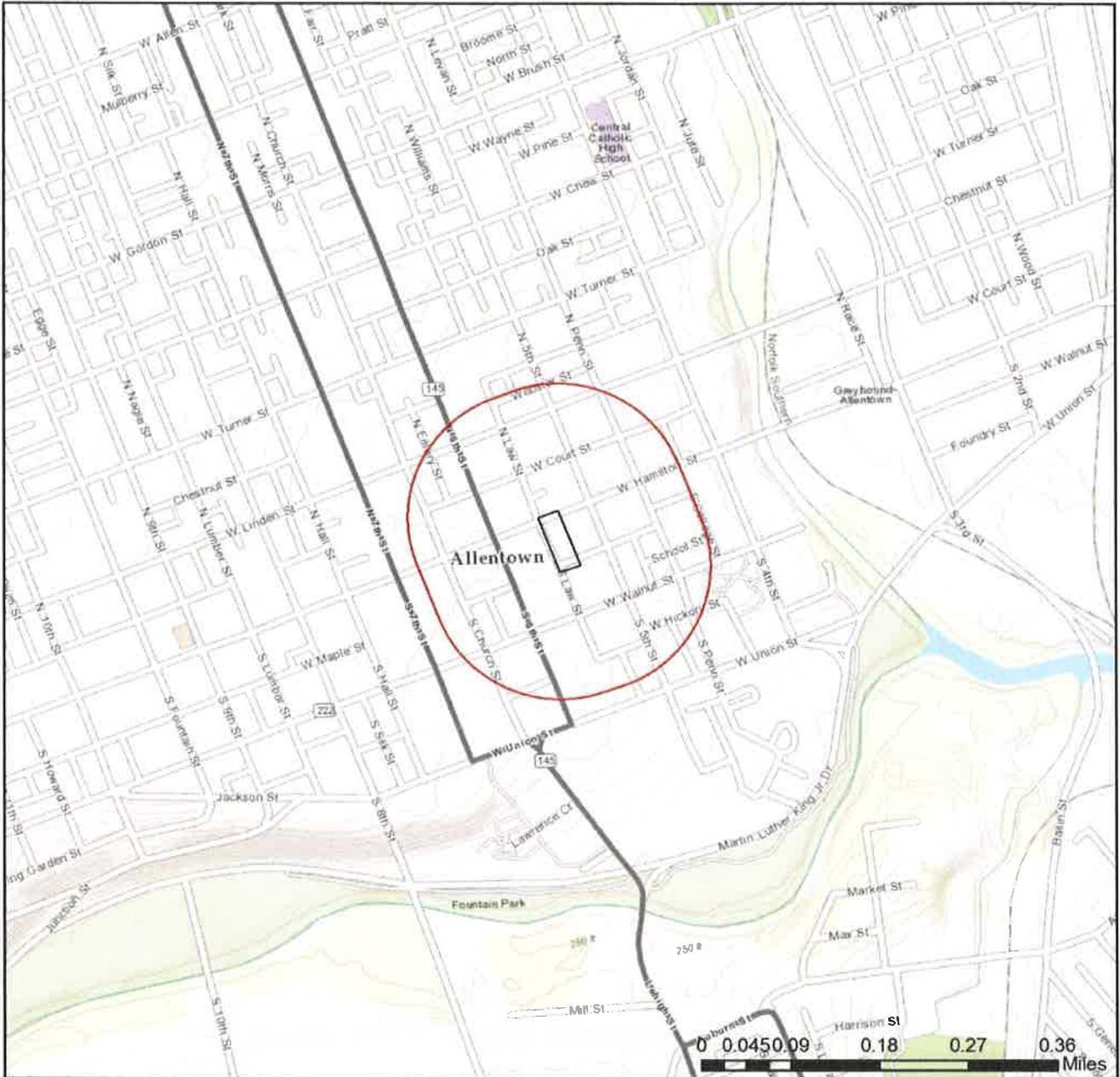


- Project Boundary
- Buffered Project Boundary



Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community
Esri, HERE, DeLorme, MapmyIndia, © OpenStreetMap contributors, and the GIS user

520 Hamilton Street



- Project Boundary
- Buffered Project Boundary

Service Layer Credits: Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



RESPONSE TO QUESTION(S) ASKED

Q1: The proposed project is in the range of the Indiana bat. Describe how the project will affect bat habitat (forests, woodlots and trees) and indicate what measures will be taken in consideration of this. Round acreages up to the nearest acre (e.g., 0.2 acres = 1 acre).

Your answer is: No forests, woodlots or trees will be affected by the project.

Q2: Is tree removal, tree cutting or forest clearing of 40 acres or more necessary to implement all aspects of this project?

Your answer is: No

3. AGENCY COMMENTS

Regardless of whether a DEP permit is necessary for this proposed project, any potential impacts to threatened and endangered species and/or special concern species and resources must be resolved with the appropriate jurisdictional agency. In some cases, a permit or authorization from the jurisdictional agency may be needed if adverse impacts to these species and habitats cannot be avoided.

These agency determinations and responses are **valid for two years** (from the date of the review), and are based on the project information that was provided, including the exact project location; the project type, description, and features; and any responses to questions that were generated during this search. If any of the following change: 1) project location, 2) project size or configuration, 3) project type, or 4) responses to the questions that were asked during the online review, the results of this review are not valid, and the review must be searched again via the PNDI Environmental Review Tool and resubmitted to the jurisdictional agencies. The PNDI tool is a primary screening tool, and a desktop review may reveal more or fewer impacts than what is listed on this PNDI receipt. The jurisdictional agencies **strongly advise against** conducting surveys for the species listed on the receipt prior to consultation with the agencies.

PA Game Commission

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Department of Conservation and Natural Resources

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

PA Fish and Boat Commission

RESPONSE:

No Impact is anticipated to threatened and endangered species and/or special concern species and resources.

U.S. Fish and Wildlife Service

RESPONSE:

No impacts to **federally** listed or proposed species are anticipated. Therefore, no further consultation/coordination under the Endangered Species Act (87 Stat. 884, as amended; 16 U.S.C. 1531 et seq. is required. Because no take of federally listed species is anticipated, none is authorized. This response does not reflect potential Fish and Wildlife Service concerns under the Fish and Wildlife Coordination Act or other authorities.

4. DEP INFORMATION

The Pa Department of Environmental Protection (DEP) requires that a signed copy of this receipt, along with any required documentation from jurisdictional agencies concerning resolution of potential impacts, be submitted with applications for permits requiring PNDI review. Two review options are available to permit applicants for handling PNDI coordination in conjunction with DEP's permit review process involving either T&E Species or species of special concern. Under sequential review, the permit applicant performs a PNDI screening and completes all coordination with the appropriate jurisdictional agencies prior to submitting the permit application. The applicant will include with its application, both a PNDI receipt and/or a clearance letter from the jurisdictional agency if the PNDI Receipt shows a Potential Impact to a species or the applicant chooses to obtain letters directly from the jurisdictional agencies. Under concurrent review, DEP, where feasible, will allow technical review of the permit to occur concurrently with the T&E species consultation with the jurisdictional agency. The applicant must still supply a copy of the PNDI Receipt with its permit application. The PNDI Receipt should also be submitted to the appropriate agency according to directions on the PNDI Receipt. The applicant and the jurisdictional agency will work together to resolve the potential impact(s). See the DEP PNDI policy at <https://conservationexplorer.dcnr.pa.gov/content/resources>.



5. ADDITIONAL INFORMATION

The PNDI environmental review website is a preliminary screening tool. There are often delays in updating species status classifications. Because the proposed status represents the best available information regarding the conservation status of the species, state jurisdictional agency staff give the proposed statuses at least the same consideration as the current legal status. If surveys or further information reveal that a threatened and endangered and/or special concern species and resources exist in your project area, contact the appropriate jurisdictional agency/agencies immediately to identify and resolve any impacts.

For a list of species known to occur in the county where your project is located, please see the species lists by county found on the PA Natural Heritage Program (PNHP) home page (www.naturalheritage.state.pa.us). Also note that the PNDI Environmental Review Tool only contains information about species occurrences that have actually been reported to the PNHP.

6. AGENCY CONTACT INFORMATION

PA Department of Conservation and Natural Resources

Bureau of Forestry, Ecological Services Section
400 Market Street, PO Box 8552
Harrisburg, PA 17105-8552
Email: RA-HeritageReview@pa.gov

U.S. Fish and Wildlife Service

Pennsylvania Field Office
Endangered Species Section
110 Radnor Rd; Suite 101
State College, PA 16801
NO Faxes Please

PA Fish and Boat Commission

Division of Environmental Services
595 E. Rolling Ridge Dr., Bellefonte, PA 16823
Email: RA-FBPACENOTIFY@pa.gov

PA Game Commission

Bureau of Wildlife Habitat Management
Division of Environmental Planning and Habitat Protection
2001 Elmerton Avenue, Harrisburg, PA 17110-9797
Email: RA-PGC_PNDI@pa.gov
NO Faxes Please

7. PROJECT CONTACT INFORMATION

Name: Laura V. Hall
Company/Business Name: RETTEW Associates, Inc.
Address: 3020 Columbia Ave.
City, State, Zip: Lancaster, PA 17603
Phone:(717) 205-2219 Fax:()
Email: lhall@rettew.com

8. CERTIFICATION

I certify that ALL of the project information contained in this receipt (including project location, project size/configuration, project type, answers to questions) is true, accurate and complete. In addition, if the project type, location, size or configuration changes, or if the answers to any questions that were asked during this online review change, I agree to re-do the online environmental review.



applicant/project proponent signature

6/12/17
date

SECTION 3.8

ALTERNATIVES ANALYSIS

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

**520 HAMILTON STREET
CITY CENTER INVESTMENT CORPORATION**

City of Allentown
Lehigh County, Pennsylvania

Alternate Sewer Facilities Analysis:

City Center Investment Corporation is proposing the development of 520 Hamilton Street which is on approximately 0.31 acres. The proposed property is located at the southeast corner of the Hamilton Street and South Law Street intersection in Allentown, Pennsylvania. The project will consist of a multi-story residential building with retail, office and maker space. The added anticipated sewage flow is 10,121 gallons per day (gpd).

With the availability of public sewer that is not at capacity it is most reasonable to send the sewage from this development to Lehigh County Authority for collection, conveyance, and then be treated at the City of Allentown Wastewater Treatment Plant for treatment and disposal. This disposal method also provides for the best long-term reliability for the treatment and disposal of the sewage from the development.

SECTION 3.9

PATH OF SEWAGE TO TREATMENT FACILITY

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

SECTION 3.10

ALLENTOWN SEWER ORDINANCE

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

TITLE FIVE - SEWERS

940	Allentown Sewage Disposal
941	Sewage and Industrial Wastes
942	Storm Sewer Ordinance
945	Sewer Rates
947	Sewer Tapping Fees
949	Industrial Cost Recovery System

ARTICLE 940 ALLENTOWN SEWAGE DISPOSAL

940.01	Short Title
940.02	Definitions
940.03	General Sanitary Regulations
940.04	Admission of Authorized Waste Into Storm Sewers
940.05	Connection Permits
940.06	Drainage of Swimming Pools
940.07	Drainage of Air Conditioning or Refrigeration Equipment
940.08	User Charges for Wastewater Discharge to Sanitary Sewer System
940.09	Discharges Subject to Sewer Discharge Ordinance
940.99	Penalty

940.01 SHORT TITLE

The short title of this Article shall be the "Allentown Sewage Disposal." (Ord. 12003 §1 4/18/73; 13581 §1 6/5/97)

940.02 DEFINITIONS

As used in this Article, the following words, terms and phrases shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning.

(a) "**Air conditioning**" means the cooling or dehumidification, or both, of space for human occupancy or for any environmental control.

(b) "**Building drain**" means the sewer or sewers of a building used to convey sewage and/or industrial waste to building sewers or laterals, and in this Article shall relate to the point of connection to the building sewer or laterals at the curb line or property line.

(c) "**Building sewer**" or "**lateral**" means the extension of the building drain from the curb line or property line to the public sewer or other place of disposal.

(d) "**Garbage**" means solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage and sale of produce.

(e) "**Ground garbage**" means garbage that has been shredded to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half (1/2") inch in any dimension.

(f) "**Ground water**" means that which is standing in or passing through the ground.

(g) "**Improved property**" means any property located within the corporate limits of the City upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure or structures sewage and/or industrial waste shall be, or may be discharged, or any property outside the corporate limits of the City upon which there is erected a structure or structures intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure sewage and/or industrial waste shall be, or may be, discharged and which wastes are accepted by the City into the City's sewage system as it exists now or with any extensions or enlargements that may be made in the future.

(h) "**Industrial waste**" means solid, liquid or gaseous substances or forms of energy ejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of development, recovering or processing of natural resources, but not sewage.

- (i) **"Manhole"** means a shaft or chamber leading from the surface of the ground to a sewer, large enough to enable a man to gain access to the latter.
- (j) **"Municipality"** means any county, county authority, municipal authority, city, borough, town, township or school district.
- (k) **"Owner"** means any person vested with ownership, legal or equitable, sole or partial, of any improved property.
- (l) **"Person"** means any individual(s), firm, partnership, company, association, society, corporation, or other group or entity.
- (m) **"Plumbing Code"** means the Plumbing Code of the City.
- (n) **"Plumbing Inspector"** means the Plumbing Inspector of the City or his duly authorized assistant or representative.
- (o) **"Premises accessible to the sewerage system."** Any improved property shall be considered accessible to the sewerage system when the public sewer abuts, bounds or is adjacent to such improved property.
- (p) **"Public sewer"** means a sewer in which all owners of abutting properties have equal rights and is controlled by public authority. It shall also include sewers within or without the City limits, which serve one or more persons and discharge into the City sewerage system.
- (q) **"Refrigeration"** means the preservation of food products, the maintenance of temperature for aid in process work and the maintenance of storage temperature.
- (r) **"Sanitary sewer"** means a sewer which carries sewage and/or authorized industrial wastes and to which storm, surface and ground waters are not intentionally admitted.
- (s) **"Sewer"** means a pipe or conduit for carrying sewage, industrial waste or storm or surface water.
- (t) **"Sewerage system" or "sewerage facility"** means all facilities owned and/or operated by the City, which are used for collecting, pumping, transporting, treating and disposing of sewerage and authorized industrial waste.
- (u) **"Shall"** is mandatory; **"may"** is permissive.
- (v) **"Storm sewer"** means a sewer which carries storm, surface and ground water and/or authorized industrial waste but not sewage.
- (w) **"Surface water"** means that portion of the precipitation which runs off over the surface of the ground.
- (x) **"Water as a direct cooling medium"** means the use of water as a refrigerant.
- (y) **"Water as an indirect cooling medium"** means the use of water to extract heat from a refrigerant in the water-cooled condensing unit.
- (z) **"Water-cooled equipment"** means any equipment using water as a cooling medium for purposes other than air conditioning or refrigeration.
- (aa) **"Watercourse"** means a channel in which a flow of water occurs, whether continuously or intermittently. (Ord. 12003 §2 4/18/73; 13581 §1 6/5/97)

940.03 GENERAL SANITARY REGULATIONS

- (a) No person shall place, deposit or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage or other objectionable waste.
- (b) No person shall discharge to any watercourse, within the City, or in any area under the jurisdiction of the City, any sewage or other polluted waters or industrial waste, except as hereinafter provided.
- (c) No person shall discharge into a storm sewer any sewage or unauthorized waste.

(d) Except as hereinafter provided, no person shall construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal or sewage.

(e) The owner of any premises in the City in which human beings live, are housed, employed or gathered, accessible to the sewerage system, is hereby required at his expense to install suitable toilet facilities therein, and to connect such facilities directly with such sanitary sewerage system in accordance with the provisions of this Article, within ninety (90) days after the date of official notice to do so. If any owner, after notice as provided herein, refuses or neglects to connect such premises with the sewerage system, the City shall cause the connection to be made at the owner's expense.

(f) Where a public sanitary sewer is not available, the building sewer shall be connected to a private sewage disposal system complying with the provisions of the Plumbing Code and the requirements of the Department of Environmental Protection of the Commonwealth of Pennsylvania.

(g) No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the approving authority.

(h) A separate and independent building sewer shall be provided for every improved property.

(i) Where existing building sewers connected to a public sanitary sewer or public storm sewer are to be abandoned by reason of demolition of buildings and structures or for any other reason, they shall be disconnected and permanently sealed at the curb line or at the public sewer as directed by the approving authority. Existing building sewers may be used in connection with new buildings only when they are found, after examination and testing by the City Plumbing Inspector, to meet all requirements of this Article.

(j) The size, slope, alignment and materials of construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joining, testing and backfilling the trench shall all conform to the requirements of the Building Code and Plumbing Code and other applicable rules and regulations of the City. In the absence of the code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manuals of Practice shall apply.

(k) Whenever possible, the building sewer shall be brought to the building at a depth below the basement floor. In all buildings in which any building drain is too low to permit gravity to flow to the public sewer, sewage carried by such building drain shall be lifted by an approved means conforming to the Plumbing Code and discharged to the building sewer. Exceptions to this requirement shall be requested, in writing, and approved by the Plumbing Inspector.

Any building floor drains shall have gravity or pumped discharge completely independent of the sanitary sewerage system, except where the entire finished floor is at an elevation above the finished grade around the exterior of the building. (Ord. 12694 §3 2/5/86)

In commercial or industrial buildings, floor drains intended to receive sewage and located below the exterior finished grade may be connected to a drainage system which is connected to the public sewer, subject to the written approval of the Plumbing Inspector. Such approval will be contingent upon the owner or his representative demonstrating that adequate protection has been provided against the introduction of storm water, spring water, ground water, subsurface drainage or building foundation drainage into the public sewer. (Ord. 12694 §3 2/5/86)

(l) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or ground water to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(m) The connection of the building drain to the building sewer, or of the building sewer into the public sewer shall conform to the requirements of the Building Code and Plumbing Code and other applicable rules and regulations of the City or the procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manuals of Practice. All such connections shall be made gastight and watertight and shall not be made except in the presence of and under the supervision of the Plumbing Inspector. Any deviation from the prescribed procedures and materials must be approved, in writing, by the approving authority before installation.

(n) When a public sewer becomes accessible, the use of cesspools, sinks, wells, privy vaults, septic tanks or other private sewage disposal systems shall cease and their use for the disposal of sewage shall be abandoned. They shall be cleaned, filled up with approved material and closed; provided, however, that ninety (90) days official notice to discontinue the use thereof shall first have been given. However, if any cesspool, sink, well, privy vault, septic tank or other private sewage

disposal system shall be declared a health hazard by the City's Health Officer, the use thereof shall cease immediately, and it shall be cleaned, filled up and closed immediately.

If any owner or user, after notice as provided herein, refuses or neglects to discontinue the use of cesspools, sinks, wells, privy vaults or other private sewage disposal system and to clean, fill up and close the same, the City shall cause the same to be cleaned, filled up and closed at the owner's expense.

(o) The owner of any improved property shall maintain and repair the building drain and lateral at his own expense and shall remove all trees, tree roots and other obstructions to the building drain and lateral. Where such maintenance or repairs are neglected by the owner, the City may, ten (10) days after mailing written notice to the owner, make or cause to be made such maintenance or repairs as may be necessary and charge the owner of such improved property for the cost thereof. (Ord. 12003 §3 4/18/73; 13581 §1 6/5/97)

940.04 ADMISSION OF AUTHORIZED WASTE INTO STORM SEWERS

(a) Residential, commercial or industrial property may be connected to the storm sewer system or may continue the discharge of waste to the storm sewer system providing the waste to be discharged thereto conforms to the following:

(1) All discharge of waste to storm sewers shall be in compliance with the laws or regulations of the Commonwealth of Pennsylvania or the Federal government or any agency thereof having jurisdiction over streams, rivers, waterways or water resources.

(2) No waste other than unadulterated rain, roof or surface drainage water or authorized industrial waste shall be discharged into a storm sewer and the City may regulate the rate of discharge of such waste into a storm sewer.

(b) No person shall drain any waste water except storm water or authorized industrial waste into any drainage ditch or basin which will ultimately, by natural flow or otherwise, enter into the storm sewer system, or into a stream, river or watercourse. No person shall drain any waste water, except storm water, into any gutter, street or pavement.

(c) All present connections to the storm sewer system that are in violation of any provision of this Article shall be abated immediately and application to connect to the storm sewer system under the provisions of this Article shall be submitted within thirty (30) days after the passage of this Article (April 18, 1973). (Ord. 12003 §5 4/18/73; 13581 §1 6/5/97)

940.05 CONNECTION PERMITS

(a) Prior to installing a private sewage disposal facility, or prior to making a residential or commercial connection to the sewerage system, or prior to making a new connection to the sewerage or to a storm sewer system for discharge of industrial waste, the owner of the improved property where such installation or connection is proposed to be made shall apply to the City, in writing, for a permit for such installation or connection.

(b) Such applications for such installations or connections shall be made on connection permit application forms furnished by the City. Industrial waste connection permit applications shall contain all pertinent data including but not limited to estimated quantity of flow, character of waste, maximum rate of discharge and proposed pretreatment facilities.

(c) There shall be three (3) classes of building sewer connection permits:

- (1) For residential services;
- (2) For commercial services;
- (3) For service to establishments generating industrial wastes.

Fees for sidewalk and street cuts, if applicable, shall be paid in addition to the building sewer connection permit. (Ord. 12694 §11 2/5/86)

(d) All costs and expenses incident to the installation and connection of the building drain and the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

(e) The applicant for the building sewer connection permit shall notify the City Plumbing Inspector when the building sewer is ready for inspection and connection to the public sewer or the building drain is ready for inspection and connection to the building sewer. The connection shall be made under the supervision of the City Plumbing Inspector or his representative, who shall be notified twenty-four (24) hours before time for backfilling. (Ord. 12003 §6 4/18/73; 13581 §1 6/5/97)

940.06 DRAINAGE OF SWIMMING POOLS

Drain lines from all swimming pools, in the City, shall be connected to storm sewers or sanitary sewers, and filter back-wash lines shall be discharged to the sanitary sewerage system as follows:

- (a) Filter back-wash shall be discharged to the sanitary sewer.
- (b) Where required, diatomaceous earth filter back-wash shall be connected to the sanitary sewer through settling tanks with four (4) months storage capacity, which tanks shall be readily accessible for removing solid waste for disposal (Ord. 12003 §9 4/18/73; 13581 §1 6/5/97)

940.07 DRAINAGE OF AIR CONDITIONING OR REFRIGERATION EQUIPMENT

(a) No air conditioning, refrigeration or other water-cooled equipment using water as a direct cooling medium may be installed or operated unless a means of water disposal other than discharge into the City's sewers is provided, except as hereinafter provided.

(b) No air conditioning, refrigeration or other water-cooled equipment using water as an indirect cooling medium may be installed or operated unless:

(1) Evaporative condensers, a cooling tower, a spray pond or a similar device requiring no sewer connection (except for seasonal cleaning and flushing) is used; or

(2) A means of water disposal other than discharge into the City's sewers is provided, except as hereinafter provided.

(c) Water from both direct and indirect cooling mediums may be discharged into any adjacent storm sewer, provided that when required, proper controls are installed to automatically shut off the discharge of such water when the water level in the storm sewer reaches three-quarters (3/4) of the depth of the cross section of such sewer, and provided that such discharge shall be in compliance with Section 940.04(a) and Article 942 of the Codified Ordinances of the City of Allentown and any subsequent City Ordinance or regulations governing storm water discharges. (13808 §1 2/3/2000)

(d) Before any such connection to a storm sewer shall be made, appropriate plans shall be submitted to and approved by the approving authority. The City may, however, at any future date, direct the discontinuance of such connections to the City's storm sewers.

(e) All such connections to the storm sewers and the automatic shut off controls, shall be inspected at least annually by a representative of the City. Where automatic shut off controls are found to be defective, all such drainage to the storm sewer shall be prohibited until the defects are corrected. (Ord. 12003 §10 4/18/73; 13581 §1 6/5/97)

940.08 USER CHARGES FOR WASTEWATER DISCHARGE TO SANITARY SEWER SYSTEM

Discharge of any and all wastewater flows to the City sanitary sewer system is absolutely contingent on the payment of user charges based on a user charge system in accordance with Title 40 of the Code of Federal Regulations, Section 35.913-13, and Appendix B to Part 35. This requirement is intended as a minimum and does not prohibit the imposition of sewer service charges in excess of Federal requirements. The purpose of this limitation on the admission of sewage into the City system, is to fulfill Federal requirements and grant conditions associated with the Federal funding of wastewater system improvements. (Ord. 12345 §4 3/21/79; 13581 §1 6/5/97)

940.09 DISCHARGES SUBJECT TO SEWER DISCHARGE ORDINANCE

All discharges into the City sanitary sewer system are also subject to the provisions of the Sewage Discharge Ordinance. (13581 §1 6/5/97)

940.99 PENALTY

Any person violating the provisions of this Article shall be fined not more than One Thousand (\$1,000) Dollars or imprisoned not more than ninety (90) days, or both. (13738 §1 3/4/99)

**ARTICLE 941
SEWAGE AND INDUSTRIAL WASTE ORDINANCE
(Passed by Ordinance No. 14686 on February 23, 2009)**

- 941 SEWAGE AND INDUSTRIAL WASTES**
- 941.2 GENERAL SEWER USE**
- 941.3 PRETREATMENT OF WASTEWATER**
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941 SEWAGE AND INDUSTRIAL WASTES

Article 941.1.0 General Provisions

- 1.1 Purpose and Policy**
- 1.2 Administration**
- 1.3 Abbreviations**
- 1.4 Definitions**

1.1 Purpose and Policy

This Ordinance sets forth uniform requirements for users of the Publicly Owned Treatment Works for the City of Allentown and enables the City to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code §1251 et seq.) and the General Pretreatment Regulations (Title 40 of the Code of Federal Regulations [CFR] Part 403). The objectives of this Ordinance are:

- A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
- B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;
- C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and biosolids in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and biosolids from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the City to comply with its National Pollutant Discharge Elimination System permit conditions, biosolids use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

This ordinance shall apply to all users of the Publicly Owned Treatment Works. The ordinance authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

Except as otherwise provided herein, the Director of Public Works shall administer, implement, and enforce the provisions of this Ordinance. Any powers granted to or duties imposed upon the Director of Public works may be delegated by the Director of Public Works to a duly authorized other City employee.

1.3 Abbreviations

The following abbreviations, when used in this Ordinance, shall have the designated meanings:

BOD - Biochemical Oxygen Demand
BMP - Best Management Practice
BMR - Baseline Monitoring Report
CFR - Code of Federal Regulations
CIU - Categorical Industrial User
COD - Chemical Oxygen Demand
EPA - U.S. Environmental Protection Agency
gpd - gallons per day
IU – Industrial User
mg/l - milligrams per liter
NPDES - National Pollutant Discharge Elimination System
NSCIU - Non-Significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RCRA - Resource Conservation and Recovery Act
SIU - Significant Industrial User
SNC - Significant Noncompliance
SIC - Standard Industrial Classification
TSS - Total Suspended Solids
U.S.C. - United States Code

1.4 Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in this Ordinance, shall have the meanings hereinafter designated.

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

B. Approval Authority. The Regional Administrator of EPA, Region III.

C. Authorized or Duly Authorized Representative of the User.

(1) If the user is a Corporation:

(a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital 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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in paragraphs 1 through 3, above, may designate a Duly Authorized Representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

D. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l).

E. Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a) (1) and (b)]. BMPs include treatment requirements, operating procedures, management plans, and practices to control the discharge of pollutants.

F. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. §1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

G. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

H. City. The City of Allentown or the City Council of Allentown.

I. Chemical Oxygen Demand or COD. A measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

J. Control Authority. The City of Allentown

K. Daily Maximum. The arithmetic average of all effluent samples for a pollutant collected during a calendar day.

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

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

N. Existing Source. Any source of discharge that is not a "New Source"

O. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

P. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source.

Q. Instantaneous Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

R. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its biosolids processes, use or disposal; and therefore, is a cause of a violation of the City's NPDES permit or of the prevention of sewage biosolids use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued there under, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA) ; any State regulations contained in any State biosolids management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.

S. Local Limit. Specific discharge limits developed and enforced by the City upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a) (1) and (b).

T. Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

U. Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

V. 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.

W. New Source.

(1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that Section, provided that:

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

(b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1) (b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

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

(i) Any placement, assembly, or installation of facilities or equipment; or

(ii) Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

(b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

X. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

Y. Pass Through. A discharge which exits the POTW into waters of the United States in quantities of concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the City's NPDES permit, including an increase in the magnitude or duration of a violation.

Z. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

AA. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

BB. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage biosolids, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (including but not limited to pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

CC. 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

DD. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

EE. Pretreatment Standard or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

FF. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of this Ordinance.

GG. Publicly Owned Treatment Works or POTW. A "treatment works", as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned by the City or any municipality which contributes wastewater to the City's system. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

HH. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

II. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

JJ. Significant Industrial User (SIU)

Except as provided in paragraphs (3) and (4) of this Section, a Significant Industrial User is:

(1) An Industrial User subject to categorical pretreatment standards; or

OO. Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

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

QQ. User or Industrial User. A source of indirect discharge.

RR. 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.

SS. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW that is designed to provide treatment of municipal sewage and industrial waste.

Article 941.2.0 General Sewer Use Requirements

2.1 Prohibited Discharge Standards

2.2 National Categorical Pretreatment Standards

2.3 State Pretreatment Standards

2.4 Local Limits

2.5 City's Right of Revision

2.6 Dilution

2.1 Prohibited Discharge Standards

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater that causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

B. Specific Prohibitions. No user shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 CFR 261.21 or Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter;

(2) Wastewater having a pH less than 5.0 or more than 12.5, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) Solid or viscous substances in amounts, which, alone or in combination with other substances, will cause obstruction of the flow in the POTW resulting in interference;

- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature that will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C) ;
- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) 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;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Director of Public Works in accordance with Section 3.4 of this Ordinance;
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, significant quantities of condensate, deionized water, noncontact cooling water, and unpolluted water, unless specifically authorized by the Director of Public Works.
- (13) Biosolids, sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Director of Public Works in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or its discharge;
- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than 200 mg/l.

(18) Any substance which is a hazardous waste

(19) under 40 CFR Part 261

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

2.2 National Categorical Pretreatment Standards

Users must comply with the categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 which are hereby incorporated.

A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director of Public Works may impose equivalent concentration or mass limits in accordance with Section 2.2D and 2.2E.

B. When the limits in a categorical Pretreatment Standard are expressed only in terms of mass of pollutant per unit of production, the Director of Public Works may convert the limits to equivalent limitations expressed either as mass of pollutant discharged per day or effluent concentration for purposes of calculating effluent limitations applicable to individual Industrial Users.

C. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Director of Public Works shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).

D. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the City of Allentown convert the limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion of the Director of Public Works. The City may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2D(1)(a) through 2.2D(1)(e) below.

- (1) To be eligible for equivalent mass limits, the Industrial User must:
 - a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its wastewater discharge permit;
 - b. Currently use control and treatment technologies adequate to achieve compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
 - c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;
 - d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
 - e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

- (2) An Industrial User subject to equivalent mass limits must:

- a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
 - b. Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
 - c. Continue to record the facility's production rates and notify the Director of Public Works whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2D(1)(c) of this Section. Upon notification of a revised production rate, the Director of Public Works will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
 - d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2D(1)(a) of this Section so long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Director of Public Works:

- a. Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based Daily Maximum and Monthly Average Standard for the applicable categorical Pretreatment Standard and the appropriate unit conversion factor;
- b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- c. May retain the same equivalent mass limit in subsequent wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.]

E. The Director of Public Works may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposes of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director of Public Works.

[Note: When converting such limits to concentration limits, the Director of Public Works will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the Director of Public Works will document how the equivalent limits were derived for any changes from concentration to mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]

F. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. [Note: See 40 CFR 403.6(c)(7)]

G. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-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 limitation. [Note: See 40 CFR 403.6(c)(8)]

H. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director of Public Works within two (2) 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 Director of Public

Works 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. [Note: See 40 CFR 403.6(c)(9)]

2.3 State Pretreatment Standards

Reserved

2.4 Local Limits

A. The Director of Public Works is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. Limits for discharging pollutants which are of concern to the POTW will be made using headworks loading analyses which has been reviewed and approved by the Approval Authority. Allocations for discharging such pollutants will be made to each significant industrial user. Limits may be in the form of monthly average concentration, daily maximum concentration, or instantaneous maximum concentration. Limits will be contained in the wastewater discharge permits issued and will be applied at the point where the wastewater is discharged to the POTW unless otherwise specified in the permit issued. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Director of Public Works may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

C. The Director of Public Works may develop Best Management Practices (BMPs), by ordinance or in wastewater discharge permits, to implement Local Limits and the requirements of Section 2.1.

2.5 City's Right of Revision

The City reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW consistent with the purpose of this ordinance.

2.6 Dilution

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 Director of Public Works may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements or in other cases when the imposition of mass limitations is appropriate.

Article 941.3.0 Pretreatment of Wastewater

3.1 Pretreatment Facilities

3.2 Additional Pretreatment Measures

3.3 Accidental Discharge/Slug Control Plans

3.4 Hauled Wastewater

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Ordinance and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section 2.1 of this Ordinance within the time limitations specified by EPA, the State, or the Director of Public Works, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense. Detailed plans describing such facilities and operating procedure shall be submitted to the Director of Public Works for review, and shall be acceptable to the Director of Public Works before such facilities are constructed. Review and acceptance of plans are not an endorsement of the effectiveness of any facilities set forth therein and the

City shall not be held liable in any way for the performance of said facilities. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the City under the provisions of this Ordinance.

3.2 Additional Pretreatment Measures

A. Whenever deemed necessary, the Director of Public Works may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of this Ordinance.

B. The Director of Public Works may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Director of Public Works, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Director of Public Works and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

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

3.3 Accidental Discharge/Slug Control Plans

The Director of Public Works shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control slug discharge. The Director of Public Works 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 Director of Public Works may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Director of Public Works of any accidental or slug discharge, as required by Section 6.6 of this Ordinance; and

D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage, areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

3.4 Hauled Wastewater

A. Any hauler, operator, person or persons cleaning cesspools, septic tanks, privies or any other container governed by this Section shall obtain a license from the City before cleaning such containers and hauling the material to the designated place of disposal within the City.

B. The sewage and wastes discharged into the POTW shall not contain industrial waste, chemicals or other matter, with or without pretreatment that does not conform to the requirements of Section 2.1 or any other requirements established by the City. The Director of Public Works may require the hauler to provide a waste analysis of any load prior to discharge. The director of Public Works may require a hauler to obtain an industrial waste discharge permit.

C. Any waste to be discharged from tank trucks shall be disposed at the location designated by the Director of Public Works at the POTW at the time or times fixed by the Director of Public Works.

D. Haulers must provide a waste-tracking form, or forms, for every load. For each privy, cesspool, septic tank or container cleaned by a hauler, operator or any person, a cleaning permit shall first be obtained from the City by the person or persons intending to clean such a receptacle. This form is to be issued by the City before the beginning of said cleaning work.

The form shall contain the following:

- (1) Name and address of the property owner at the source of the waste;
- (2) Date of issue;
- (3) Name of hauler, operator or person contracted to clean this structure, etc.
- (4) Type of container, septic tank, privy, cesspool or any other, and volume;
- (5) Serial number of permit;
- (6) Signature of person completing the form.

E. Any tank truck or any equipment used or intended to be used for the removal, transportation and disposal of sewage and industrial wastes shall conform to the following requirements:

- (1) The container shall be watertight;
- (2) Tanks, containers or other equipment shall be so constructed that every portion of the interior and exterior can be easily cleaned and shall be kept in a clean and sanitary condition;
- (3) Piping, valves and permanent or flexible connections shall be accessible and easily disconnected for cleaning purposes.
- (4) The inlet opening, or opening to every container, shall be so constructed that the material will not spill outside during filling, transfer or transport.
- (5) The outlet connections shall be so constructed that no material will leak out, run out to other than the point of discharge and shall be of a design and type suitable for the material handled and capable of controlling the flow or discharge without spillage, undue spray or flooding immediate surroundings while in use.
- (6) No connection shall be made at any time between a tap or outlet furnishing potable water on any premises and any container or equipment holding material by any means other than an open connection.

F. The license fee for renewal of a current septage hauler's permit as required herein is to be established in accordance with the requirements of the Charter. No permits are to be issued to any new applicants. All permits to be issued will be to an individual, corporation or firm on file for the year preceding the permit renewal date. A new applicant may obtain a license by purchase of the business of a licensed hauler whose license is current and valid. The new license will be limited to that annual volume of waste

previously disposed of at the plant under the license purchased. This assumption of the business by a new owner limits the area of collection to those townships, boroughs, villages, towns and other governmental boundaries which are serviced by the integrated sewer system served by the City of Allentown. The term of the license shall be from June 1 to May 31 of the succeeding year.

G. The fee for disposal into the City Sewage Treatment Plant, at the location designated, shall be established in accordance with the requirements of the Charter and shall be based on a rate per one thousand (1,000) gallons, or a portion thereof.

H. An application form shall be filled out by the hauler, operator, owner, person or persons, prior to the conducting of such a business within the City as governed in this Section. The application form shall contain the following information:

- (1) Name and address of owner, operator, hauler, person or persons.
- (2) Date of the license issued.
- (3) The fee for the license as required herein to be established in accordance with the requirements of the Charter.
- (4) Term of the license: From June 1 to May 31 of the succeeding year.
- (5) The size and make of truck, containers, etc., stated in gallons.
- (6) Place of storage, garage or parking of trucks, containers, etc., when not in use.
- (7) License cannot be transferred from one operator, owner, person or persons, to another without approval by the City.
- (8) A statement to the effect that such trucks, containers, equipment, etc., will be available for inspection by the person designated to make inspection from the City at such time and place agreeable to both hauler and inspector.
- (9) Refusal of agreement to these conditions of inspection at a reasonable time can be cause for forfeiture of the license.
- (10) A higher fee per load, container or portion thereof can be charged, if the need for processing, extra analyses, etc., shall be necessary.
- (11) If a tank or container contains more than 1,000 gallons, an additional fee shall be charged for each 1,000 gallons additional, or portion thereof. The additional fee, as required herein, is to be established in accordance with the requirements of the Charter.
- (12) It shall be understood by all applicants for a permit or those having a license that the septage haulers' permits are an extended courtesy by the City and upon sixty (60) days notification by the City can be terminated if there is reasonable cause for such type action or there is a necessity to reduce the volume of materials to allow the City to comply with its effluent limitations for discharge to the Lehigh River or for any other functional activity at the wastewater treatment plant operations, which would require a reduction in the septage volume being processed.

I. Failure to secure a license, permit or pay dumping fees, when required, as governed in this Section or operating after suspension or revocation of a license or permit by the City shall constitute a violation of this Section. When a written notice of a violation of any of the provisions of this Section has been served upon any hauler, owner, operator, person or persons in this business, such violation shall be discontinued immediately. In such cases when the violation is of immediate danger to the health of the public, and is in danger of damage to the sewage treatment plant system, such operation must cease at once, until the condition is remedied and abated.

Article 941.4.0 Wastewater Discharge Permits

4.1 Wastewater Analysis

4.2 Wastewater Discharge Permit Requirement

4.3 Wastewater Discharge Permitting: Existing Connection

4.4 Wastewater Discharge Permitting: New Connections

4.5 Wastewater Discharge Application Contents

4.6 Application Signatories and Certification

4.7 Individual Wastewater Discharge Decisions

4.1 Wastewater Analysis

When requested by the Director of Public Works, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The Director of Public Works is authorized to prepare a form for this purpose and may periodically require users to update this information.

4.2 Wastewater Discharge Permit Requirement

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director of Public Works, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of this Ordinance may continue to discharge for the time period specified therein.

B. The Director of Public Works may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Ordinance.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of this Ordinance and subjects the wastewater discharge permittee to the sanctions set out in 10 and 12 of this Ordinance. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

4.3 Wastewater Discharge Permitting: Existing Connection

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Ordinance and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Director of Public Works for an wastewater discharge permit in accordance with Section 4.5 of this Ordinance, and shall not cause or allow discharges to the POTW to continue after one hundred eighty (180) days of the effective date of this Ordinance except in accordance with a wastewater discharge permit issued by the Director of Public Works.

4.4 Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of this Ordinance, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

4.5 Wastewater Discharge Application Contents

A. All users required to obtain a wastewater discharge permit must submit a permit application. The Director of Public Works may require all users to submit as part of an application the following information:

(1) Identifying Information.

- a. The name and address of the facility, including the name of the operator and owner.
- b. Contact information, description of activities, facilities, and plant production processes on the premises;

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

(3) Description of Operations.

a. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operation(s) carried out by such User. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.

b. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

c. Number and type of employees, hours of operation, and proposed or actual hours of operation;

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

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

(4) Time and duration of discharges;

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

(6) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)).

(7) Measurement of pollutants

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

b. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the director of Public Works, of regulated pollutants in the discharge from each regulated process.

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

d. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.9 of this ordinance. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Director of Public Works or the applicable Standards to determine compliance with the Standard.

e. Sampling must be performed in accordance with procedures set out in Section 6.10 of this ordinance.

(8) Any other information as may be deemed necessary by the Director of Public Works to evaluate the permit application.

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

4.6 Application Signatories and Certification

A. All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.14 A.

B. If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Director of Public Works prior to or together with any reports to be signed by an Authorized Representative.

C. A facility determined to be a Non-Significant Categorical Industrial user by the Director of Public Works pursuant to Section 1.4 II (3) must annually submit the signed certification statement in Section 6.13.

4.7 Individual Wastewater Discharge Decisions

The Director of Public Works will evaluate the data furnished by the user and may require additional information. Within sixty (60) days of receipt of a complete wastewater discharge permit application, the Director of Public Works will determine whether or not to issue an wastewater discharge permit. The Director of Public Works may deny any application for a wastewater discharge permit.

Article 941.5.0 Wastewater Discharge Permit Issuance

5.1 Wastewater Discharge Permit Duration

5.2 Wastewater Discharge Permit Contents

5.3 Wastewater Discharge Permit Appeals

5.4 Wastewater Discharge Permit Modification

5.5 Wastewater Discharge Permit Transfer

5.6 Wastewater Discharge Permit Revocation

5.7 Wastewater Discharge Permit Reissuance

5.8 Regulation of Waste Received from Other Jurisdictions

5.1 Wastewater Discharge Permit Duration

An wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period less than five (5) years, at the discretion of the Director of Public Works. Each wastewater discharge permit will indicate a specific date upon which it will expire.

5.2 Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Director of Public Works to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate biosolids management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

(1) A statement that indicates wastewater discharge permit issuance date, expiration date and effective date;

(2) A statement that the wastewater discharge permit is nontransferable without prior notification to the City in accordance with Section 5.5 of this Ordinance, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;

(3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;

(4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants or best management practice to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and

(5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.

(6) Requirements to control slug discharge, if determined by the Director of Public Works to be necessary.

B. Wastewater discharge permits may contain, but need not be limited to, the following conditions:

(1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

(2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;

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

(4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

(5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

(6) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

(7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the wastewater discharge permit; and

(8) Other conditions as deemed appropriate by the Director of Public Works to ensure compliance with this Ordinance, and State and Federal laws, rules, and regulations.

5.3 Wastewater Discharge Permit Appeals

A. The Director of Public Works shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Director of Public Works to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

(1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

(2) In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.

(3) The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.

(4) If the Director of Public Works fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

(5) Aggrieved parties seeking review of the final administrative wastewater discharge permit decision may appeal to the Industrial Waste Hearing Board.

5.4 Wastewater Discharge Permit Modification

A. The Director of Public Works may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

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

(2) To address significant alterations or additions to the user's operation, process, or wastewater volume or character since the time of wastewater discharge permit issuance;

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

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

(5) Violation of any terms or conditions of the wastewater discharge permit;

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

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

(8) To correct typographical or other errors in the wastewater discharge permit; or

(9) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 5.5.

5.5 Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Director of Public Works and the Director of Public Works approves the wastewater discharge permit transfer. The notice to the Director of Public Works must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

5.6 Wastewater Discharge Permit Revocation

The Director of Public Works may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the Director of Public Works of significant changes to the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the Director of Public Works of changed conditions pursuant to Section 6.5 of this Ordinance;
- C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- D. Falsifying self-monitoring reports and certification statements;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the Director of Public Works timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the wastewater discharge permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or this ordinance.

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

5.7 Wastewater Discharge Permit Reissuance

A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of this Ordinance, a minimum of one hundred eighty (120) days prior to the expiration of the user's existing wastewater discharge permit.

5.8 Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the City shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by paragraph A, above, the Director of Public Works shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the Director of Public Works may deem necessary.

C. An intermunicipal agreement, as required by Paragraph A, above, shall contain the following conditions:

- (1) A requirement for the contributing municipality to adopt a sewer use Ordinance which is at least as stringent as this Ordinance and local limits, including required Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of this Ordinance. The requirement shall specify that such Ordinance and limits must be revised as necessary to reflect changes made to the City's Ordinance or local limits;
- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Director of Public Works; and which of these activities will be conducted jointly by the contributing municipality and the Director of Public Works;
- (4) A requirement for the contributing municipality to provide the Director of Public Works with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Requirements for monitoring the contributing municipality's discharge;
- (6) A provision ensuring the Director of Public Works access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Director of Public Works; and

(7) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

Article 941.6.0 Reporting Requirements

6.1 Baseline Monitoring Reports

6.2 Compliance Schedule Progress Reports

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

6.4 Periodic Compliance Reports

6.5 Reports of Changed Conditions

6.6 Reports of Potential Problems

6.7 Reports from Unpermitted Users

6.8 Notice of Violation/Repeat Sampling and Reporting

6.9 Analytical Requirements

6.10 Sample Collection

6.11 Date of Receipt of Reports

6.12 Record Keeping

6.13 Certification Statements

6.14 Hazardous Waste Reporting

6.1 Baseline Monitoring Reports

A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a) (4), whichever is later, existing categorical industrial users currently discharging to or scheduled to discharge to the POTW shall submit to the Director of Public Works a report which contains the information listed in Paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the Director of Public Works a report which contains the information listed in Paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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

(1) All information required in Section 4.5A (1) (a), Section 4.5A (2), Section 4.5A (3) (a), and Section 4.5A (6).

(2) Measurement of pollutants.

- a. The User shall provide the information required in Section 4.5 A (7) (a) through (d).
- b. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
- c. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration

or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

- d. Sampling and analysis shall be performed in accordance with Section 6.10;
- e. The Director of Public Works may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
- f. The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(3) Compliance Certification. A statement, reviewed by the user's authorized representative as defined in Section 1.4 C and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

(4) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Ordinance.

(5) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.13 of this ordinance and signed by an Authorized Representative as defined in Section 1.4C.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B) (4) of this Ordinance.

A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation) ;

B. No increment referred to above shall exceed nine (9) months;

C. The user shall submit a progress report to the Director of Public Works no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established scheduled; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Director of Public Works.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment

standards and requirements shall submit to the Director of Public Works a report containing the information described in Section 4.5(A) (6) and (7) and 6.1(B)(2) of this Ordinance. For users subject to equivalent mass or concentration limits established in accordance with the procedures in Section 2.3, this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.6 of this Ordinance. All sampling will be done in conformance with Section 6.10.

6.4 Periodic Compliance Reports

A. All Significant Industrial Users must, at a frequency determined by the Director of Public Works submit no less than twice per year (June and December), or on dates specified, reports indicating the nature, concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Director of Public Works or the Pretreatment Standard necessary to determine the compliance status of the User

B. All periodic compliance reports must be signed and certified in accordance with Section 6.13 of this ordinance.

C. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

D. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Director of Public Works, using the procedures prescribed in Sections 6.9 and 6.10 of this Ordinance, the results of this monitoring shall be included in the report.

E. All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

F. If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Director of Public Works, using the procedures prescribed in Section 6.10 of this ordinance, the results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each user must notify the Director of Public Works of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the change.

A. The Director of Public Works may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under Section 4.5 of this Ordinance.

B. The Director of Public Works may issue a wastewater discharge permit under Section 5.7 of this Ordinance or modify an existing wastewater discharge permit under Section 5.4 of this Ordinance in response to changed conditions or anticipated changed conditions.

For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty (20%) percent or greater, loading increases of 20% or more for pollutants, and the discharge of any previously unreported pollutants.

6.6 Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the Director of Public Works of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Director of Public Works, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this Ordinance.

C. A notice shall be permanently posted on the user's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Paragraph A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

D. Significant Industrial Users are required to notify the Director of Public Works immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the Director of Public Works as the Director of Public Works may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Director of Public Works within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Director of Public Works within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

6.9 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where 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 or any other applicable sampling and analytical procedures, including procedures suggested by the Director of Public Works or other parties approved by EPA.

6.10 Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional

composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Director of Public Works. Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Director of Public Works may authorize a lower minimum. For the reports required by Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

6.11 Date of Receipt of Reports

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

6.12 Record Keeping

Users subject to the reporting requirements of this Ordinance shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Ordinance and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the City, or where the user has been specifically notified of a longer retention period by the Director of Public Works.

6.13 Certification Statements

A. Certification of Permit Applications, User Reports—The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.6; Users submitting baseline monitoring reports under Section 6.1 B (5); Users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; Users submitting periodic compliance reports required by Section 6.4. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 C:

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.

B. Annual Certification for Non-Significant Categorical Industrial Users—A facility determined to be a Non-Significant Categorical Industrial User by the Director of Public Works pursuant to 1.4 JJ(3) and 4.6 C must annually submit the following certification statement signed in accordance with the signatory requirements in 1.4 C. This certification must accompany an alternative report required by the Director of Public Works:

Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

(a) The facility described as _____
[facility name] met the definition of a Non-Significant Categorical Industrial User as described in 1.4 II (3);

(b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information.

6.14 Hazardous Waste Reporting

Although hazardous wastes are specifically prohibited in Section 2.1 (18), if any user accidentally discharges a hazardous waste the reporting requirements at 40 CFR 403.12(p) (1) shall be adhered to.

Article 941.7.0 Compliance Monitoring

7.1 Right of Entry: Inspection and Sampling

7.2 Search Warrants

7.1 Right of Entry: Inspection and Sampling

The Director of Public Works shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Ordinance and any wastewater discharge permit or order issued hereunder. Users shall allow the Director of Public Works 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.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director of Public Works will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Director of Public Works shall have the right to set up on the user's property, or require installation of, such devices as are

necessary to conduct sampling and/or metering of the user's operations.

C. The Director of Public Works may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually to ensure their accuracy.

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Director of Public Works and shall not be replaced. The costs of clearing such access shall be born by the user.

E. Unreasonable delays in allowing the Director of Public Works access to the user's premises shall be a violation of this Ordinance.

7.2 Search Warrants

If the Director of Public Works 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 Ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the City designed to verify compliance with this Ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Director of Public Works may seek issuance of a search warrant from the appropriate issuing authority.

Article 941.8.0 Confidential Information

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director of Public Works 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 Director of Public Works, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

Article 941.9.0 Publication of Users in Significant Noncompliance

The Director of Public Works shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the users which, during the previous twelve (12) months, were in significant noncompliance with applicable pretreatment standards and requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director of Public Works 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 the public or to the environment, or has resulted in the Director of Public Works exercising his emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in an wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s), which may include a violation of Best Management Practices, which the Director of Public Works determines will adversely affect the operation or implementation of the local pretreatment program.

Article 941.10.0 Administrative Enforcement Remedies

10.1 Notification of Violation

10.2 Consent Order

10.3 Show Cause Hearing

10.4 Compliance Orders

10.5 Cease and Desist Orders

10.6 Administrative Fines

10.7 Emergency Suspensions

10.8 Termination of Discharge

10.1 Notification of Violation

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may serve upon that user a written Notice of Violation. Within twenty (20) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Director of Public Works. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Director of Public Works to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Order

The Director of Public Works may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this ordinance and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director of Public Works may order a user which has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director of Public Works and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Compliance Orders

When the Director of Public Works finds that a User has violated, or continues to violate, any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Director of Public Works may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.5 Cease and Desist Orders

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Director of Public Works 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 order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.6 Administrative Fines

A. When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may fine such user in an amount not to exceed \$25,000 regardless of jurisdictional boundaries. Such penalties shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, penalty shall be

assessed for each day during the period of violation. The penalties may be assessed whether or not the violation was willful or negligent.

B. Notice of assessment of penalty shall state the appeal process to be followed including the name, address and telephone number of the person responsible for accepting such appeal. Said notice shall also contain the date or dates of violation the permit requirement that was violated and the amount of penalty assessed. The notice shall state the time frame for appeal. It shall be served personally on the violator or shall be sent by certified mail to the address of the permit holder as noted on the permit.

The penalty shall be assessed in accordance with Chart for Assessment, below, which sets forth the City of Allentown's assessment policy considering damage to air, water, land or other natural resources, cost of restoration and abatement, savings resulting to the person for the violation, history of past violations, deterrence of future violations and other relevant factors.

Chart for Assessment

<u>Damage to Environment</u>	<u>Points</u>	<u>Cost of Restoration/Abatement</u>	<u>Points</u>
Extreme	5	Over 10,000	5
Severe	4	7,000	4
Moderate	3	5,000	3
Slight	2	2,500	2
None	1	0	

Past Violations

<u>Savings to Violator</u>	<u>Points</u>	<u>No. of Violations in Last 365 Days</u>	<u>Points</u>
10,000	5	5	5
7,500	4	4	4
5,000	3	3	3
2,500	2	2	2
0	1	1	1

Other Factors will be Considered

Other factors which may be considered include, but are not limited to; damage to POTW, willfulness or concealment, endangerment to the public and/or POTW personnel.

Points shall be assessed for a violation in accordance with the above chart which constitutes the City of Allentown assessment policy.

Points shall be totaled and the fine shall be assessed as follows:

<u>Number of Points</u>	<u>Penalty</u>
25	\$25,000
20	20,000
15	15,000
10	10,000
5	5,000

The assessment of penalties may include numbers which are not whole, such as 1.5, to allow flexibility and discretion by the Director of Public Works in arriving at a fair and appropriate penalty. The above listed fine shall be then pro-rated to reflect the less than whole number of points assessed.

Example: Total Points = 12.5
Civil Penalty = \$12,500.00

All fines collected shall be placed in a restricted account and shall only be used by the City of Allentown to repair damage and provide for additional maintenance and costs as a result of violations, to pay penalties imposed by State or Federal Government for violation of pretreatment standards, for the costs of investigation and enforcement action, for monitoring of discharge in the pretreatment program and for capital improvement to the POTW.

Any party seeking to appeal the assessment of a fine shall do so by filing a notice of appeal with the Director of Public Works within thirty (30) days after receipt or service of said notice.

The Appeal Board shall hear all such appeals. A transcript shall be made of said hearing at the sole expense of the appellant.

Appellant shall pay the cost of appeal and the sum for estimate of stenographer bills at the time of filing said appeal. Failure to pay said sums at the time of filing shall make the appeal void. Such fees shall be established as required by the Charter.

After the hearing, any additional stenographer charges shall be billed to appellant and shall be paid in full within ten (10) days of receipt or appeal shall be null and void ab initio.

The Appeals Board shall either affirm the decision of the Director of Public Works or reverse or modify the same as the substantial evidence indicates in accordance with the assessment policy adopted by the City. Appeals from the decision of the Appeals Board shall be in accordance with State law. Each permit holder shall keep the City apprised in writing of any change in mailing address. The address on the permit shall be used to send all correspondence and notice of civil assessment to permit holders. The sending of a notice of civil assessment to a permit holder's address on permit shall conclusively be presumed to be valid service; thus, if the certified mail sent to such address is not accepted or picked up by permit holder, the date of service shall be the date that the certified mail was rejected or returned unclaimed.

The City shall charge all costs for re-establishing the operation of the publicly owned treatment works after a user has violated, or continues to violate any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement. These costs shall be paid by user within ten (10) days after notice of assessment of the same. Notice and appeal rights shall be the same as in the case of assessment of civil penalties. Any user not paying said assessment shall pay an additional penalty of five (5%) percent of the penalty per month or any part thereof.

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

10.7 Emergency Suspensions

The Director of Public Works may immediately suspend a User's discharge, after informal notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge, which reasonably appears to present, or cause an imminent or substantial endangerment to the health or welfare of persons. the Director of Public Works may also immediately suspend a User's

discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

A. Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Director of Public Works 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 Director of Public Works may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Director of Public Works that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of this ordinance are initiated against the User.

C. A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Director of Public Works prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of this ordinance.

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

10.8 Termination of Discharge

In addition to the provisions in Section 5.6 of this ordinance, any User who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the Pretreatment Standards in Section 2 of this ordinance.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this ordinance why the proposed action should not be taken. Exercise of this option by the Director of Public Works shall not be a bar to, or a prerequisite for, taking any other action against the User.

Article 941.11.0 Judicial Enforcement Remedies

11.1 Injunctive Relief

11.2 Civil Penalties

11.3 Criminal Prosecution

11.4 Remedies Nonexclusive

11.1 Injunctive Relief

When the Director of Public Works finds that a user has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, the Director of Public Works may petition the Lehigh County Court of Common Pleas through the City Solicitor for the issuance of a temporary or permanent injunction,

as appropriate, which restrains or compels the specific performance of the wastewater discharge permit, order, or other requirement imposed by this Ordinance on activities of the user. The Director of Public Works may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.2 Civil Penalties

A. A user who has violated, or continues to violate, any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the City for a maximum civil penalty of \$25,000.00 per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Director of Public Works may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the City.

C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

11.3 Criminal Prosecution

A. A user who willfully or negligently violates any provision of this Ordinance, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall, upon conviction, be guilty of a summary offense, punishable by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than ninety (90) days, or both.

B. A user who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a misdemeanor and be subject to a penalty of at least \$1,000, or be subject to imprisonment for not more than ninety (90) days, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.

C. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Ordinance, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than ninety (90) days, or both.

D. In the event of a second conviction, a User shall be punished by a fine of not more than \$1,000 per violation, per day, or imprisonment for not more than one (1) years, or both.

11.4 Remedies Nonexclusive

The remedies provided for in this Ordinance are not exclusive. The Director of Public Works may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the City's enforcement response plan. However, the Director of Public Works may take other action against any user when the circumstances

warrant. Further, the Director of Public Works is empowered to take more than one enforcement action against any noncompliant user.

Article 941.12.0 Supplemental Enforcement Action

12.1 Performance Bonds

12.2 Liability Insurance

12.3 Water Supply Severance

12.4 Contractor Listing

12.1 Performance Bonds

The Director of Public Works may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the City, in a sum not to exceed a value determined by the Director of Public Works to be necessary to achieve consistent compliance.

12.2 Liability Insurance

The Director of Public Works may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of this Ordinance, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12.3 Water Supply Severance

Whenever a User has violated or continues to violate any provision of this ordinance, a wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply.

12.4 Contractor Listing

Users which have not achieved compliance with applicable pretreatment standards and requirements are not eligible to receive a contractual award for the sale of goods or services to the City. Existing contracts for the sale of goods or services to the City held by a user found to be in significant noncompliance with pretreatment standards or requirements may be terminated at the discretion of the Director of Public Works.

Article 941.13.0 Affirmative Defenses to Discharge Violations

13.1 Upset

13.2 Prohibited Discharge Standards

13.3 Bypass

13.1 Upset

A. For the purpose of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the 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.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.

C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An upset occurred and the user can identify the cause(s) of the upset;

(2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and

(3) The user has submitted the following information to the Director of Public Works within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days] ;

(a) A description of the indirect discharge and cause of noncompliance;

(b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

(c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

13.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1(A) of this Ordinance or the specific prohibitions in Sections 2.1(B) (3) through (17) of this Ordinance if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

A. A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during, the pass through or interference; or

B. No local limit exists, but the discharge did not change substantially in nature or constituents from the user's prior discharge

when the City was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable biosolids use or disposal requirements.

13.3 Bypass

A. For the purpose of this section:

(1) "**Bypass**" means the intentional diversion of wastestreams from any portion of a user's treatment facility.

(2) "**Severe property damage**" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (C) and (D) of this section.

C. Bypass Notifications

(1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director of Public Works, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Director of Public Works of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director of Public Works may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass

(1) Bypass is prohibited, and the Director of Public Works may take an enforcement action against a user for a bypass, unless

(a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and

(c) The user submitted notices as required under paragraph (C) of this section.