

We answer to you.

PLANNING MODULE
APPLICATION

FOR

FIVE CITY CENTER 7TH & WALNUT STREET
CITY OF ALLENTOWN, LEHIGH COUNTY, PENNSYLVANIA

November 9, 2018

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. 096772012

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SECTION 1.0

AGENCY COORDINATION CHECKLIST

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

Date 10/29/2018

Name RETTEW

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

RE: Planning Module for New Land Development

Subdivision FIVE CITY CENTER 7TH & WALNUT

230 RESIDENTIAL APARTMENTS

CITY OF ALLENTOWN, LEHIGH County

DEP Code No: 2-39001210-3

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>		Department cover/Checklist letter
<u>X</u>		Transmittal letter, completed and signed by the Municipal Secretary.
<u>X</u>		¹²⁰ Resolution of Adoption completed and signed by the Municipal Secretary and containing the municipal seal.
		Component 2-Follow attached guidance.
<u>X</u>		Component 3-Follow attached guidance.
		Component 3s-Follow attached guidance.
<u>X</u>		Component 4a-Municipal Planning Agency Review
<u>X</u>		Component 4b-County Planning Agency Review
		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.
		Sewage management program as per 25 Pa. Code Subsection 71.72
		Hydrogeologic Study – Analysis of interbasin transfer of water between a Special Protection watershed into a Non-Special Protection watershed.
		Delaware River Basin Commission Notice of Applications Received (NAR) for projects with sewage flows exceeding 10,000 GPD.
		Preliminary hydrogeology
		Permeability testing, to be determined at site testing
		Detailed hydrogeologic study

_____ 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.

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. - Project Manager (Title) for Five City Center 7th & Walnut (Name)

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

Lehigh (City, Borough, Township) County.

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

Five City Center 7th & Walnut, 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:

Telephone _____

Seal of
Governing Body

SECTION 3.0

SEWAGE FACILITIES PLANNING MODULE COMPONENT 3

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



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)

1. Project Name Five City Center 7th & Walnut

2. Brief Project Description A multi-story residential apartment building and parking structure

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
Stewart	Douglas			Director of Planning & Zoning
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) 437-7611		Douglas.Stewart@allentownpa.gov		

C. SITE INFORMATION (See Section C of Instructions)

Site (Land Development or Project) Name

Five City Center 7th & Walnut

Site Location Line 1

NW corner of Walnut Street and 7th Street

Site Location Line 2

Site Location Last Line -- City

Allentown

State

PA

ZIP+4

18101

Latitude

40°36'4.11"N

Longitude

75°28'18.25"W

Detailed Written Directions to Site From US-22, take MacArthur Road/145 S for approximately 2 miles; destination is on your right.

Description of Site The Site is currently a parking lot with almost 100% impervious cover.

Site Contact (Developer/Owner)

Last Name

DiLorenzo

First Name

Robert

MI

Suffix

Phone

(610) 674-4503

Ext.

Site Contact Title

Project Manager

Site Contact Firm (if none, leave blank)

City Center Investment Corp

FAX

Email

rdilorenzo@citycenterallentown.com

Mailing Address Line 1

645 W. Hamilton Street

Mailing Address Line 2

Suite 600

Mailing Address Last Line -- City

Allentown

State

PA

ZIP+4

18101

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

Last Name

Miller

First Name

David

MI

Suffix

Title

Project Manager

Consulting Firm Name

RETTEW Associates, Inc.

Mailing Address Line 1

515 W. Hamilton

Mailing Address Line 2

Suite 508

Address Last Line -- City

Allentown

State

PA

ZIP+4

18101

Country

United States

Email

ddmiller@rettew.com

Area Code + Phone

(717)-690-8007

Ext.

Area Code + FAX

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 80.73 DEP
EDUs (400 gpd/EDU): 184 City EDUs (175.5 gpd/EDU)

Connections 1

Name of:

existing collection or conveyance system 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 PA 0026 000

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 11/16/2018

(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 32,292 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) <i>MGD</i>		b. Present Flows (gpd) <i>MGD</i>		c. Projected Flows In 5 years (gpd) <i>MGD</i> (2 years for P.S.)	
	Average	Peak	Average	Peak	Average	Peak
Collection	0.72	2.90	0.11	0.66	0.14	0.79
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. ☐ ☒ 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 *Liesel M. Gross*

Date 11/16/2018

☒ **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 11/16/2018

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. ☐ ☒ 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 11/16/2018

☐ **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)

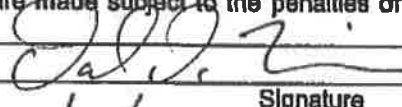
9. ☐ ☒ Does the project involve the use of large volume onlot sewage disposal systems (Flow > 10,000 gpd)?
10. ☐ ☒ Does the project require resolution of a conflict between the proposed alternative and consistency requirements contained in §71.21(a)(5)(i), (ii), (iii)?
11. ☐ ☒ Will sewage facilities 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.

David Miller

Name (Print)



Signature

Project Manager

Title

11/20/18

Date

515 W. Hamilton Street, Suite 508, Allentown, PA 18101

Address

(717)-089-8007

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 \$4,036.50 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.

$$\#80.73 \quad \text{Lots (or EDUs)} \times \$50.00 = \$ 4036.50$$

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)

SECTION 3.1

LEHIGH COUNTY AUTHORITY – WATER CAPACITY LETTER

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



LEHIGH COUNTY AUTHORITY 1053 SPRUCE ROAD * P.O. BOX 3348 * ALLENTOWN, PA 18106-0348
610-398-2503 * FAX 610-398-8413 * www.lehighcountyauthority.org
email: service@lehighcountyauthority.org

October 22, 2018

Mr. David Kimmerly
Director of Planning
City of Allentown
435 Hamilton Street
Allentown, PA 18101

SUBJECT: Five City Center
Will Serve - Water Service

Dear Mr. Kimmerly:

Lehigh County Authority (LCA) is willing to provide public water service in the requested amount of 29,348 GPD to the proposed multi-story residential apartment building located at the northwest corner of 7th and Walnut Streets.

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.

This is a revised will serve letter to the original letter sent out on November 25, 2015 and the most recent sent out on January 23, 2018.

Sincerely,

A handwritten signature in black ink, appearing to read "Jacob Hunsicker". The script is cursive and fluid.

Jacob Hunsicker
Capital Works Project Specialist

Cc: David Miller, PE – Rettew
Robert DiLorenzo – City Center Investment Group
Ed Hoyle – LCA

SECTION 3.2

LEHIGH COUNTY AUTHORITY – SEWER CAPACITY LETTER

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



LEHIGH COUNTY AUTHORITY 1053 SPRUCE ROAD * P.O. BOX 3348 * ALLENTOWN, PA 18106-0348
610-398-2503 * FAX 610-398-8413 * www.lehighcountyauthority.org
email: service@lehighcountyauthority.org

October 22, 2018

Mr. David Kimmerly
Director of Planning
City of Allentown
435 Hamilton Street
Allentown, PA 18101

SUBJECT: Five City Center
Will Serve - Sewer Service

Dear Mr. Kimmerly:

Lehigh County Authority (LCA) is willing to provide public sewer service in the requested amount of 32,292 GPD to the proposed multi-story residential apartment building located at the northwest corner of 7th and Walnut Streets.

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

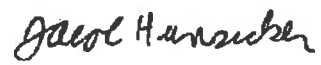
Tapping fees will be based upon the City of Allentown's ordinances and LCA's schedule of rate fees.

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.

This is a revised will serve letter to the original letter sent out on November 25, 2015 and the most recent sent out on January 23, 2018.

Sincerely,

A handwritten signature in black ink that reads "Jacob Hunsicker". The script is cursive and fluid.

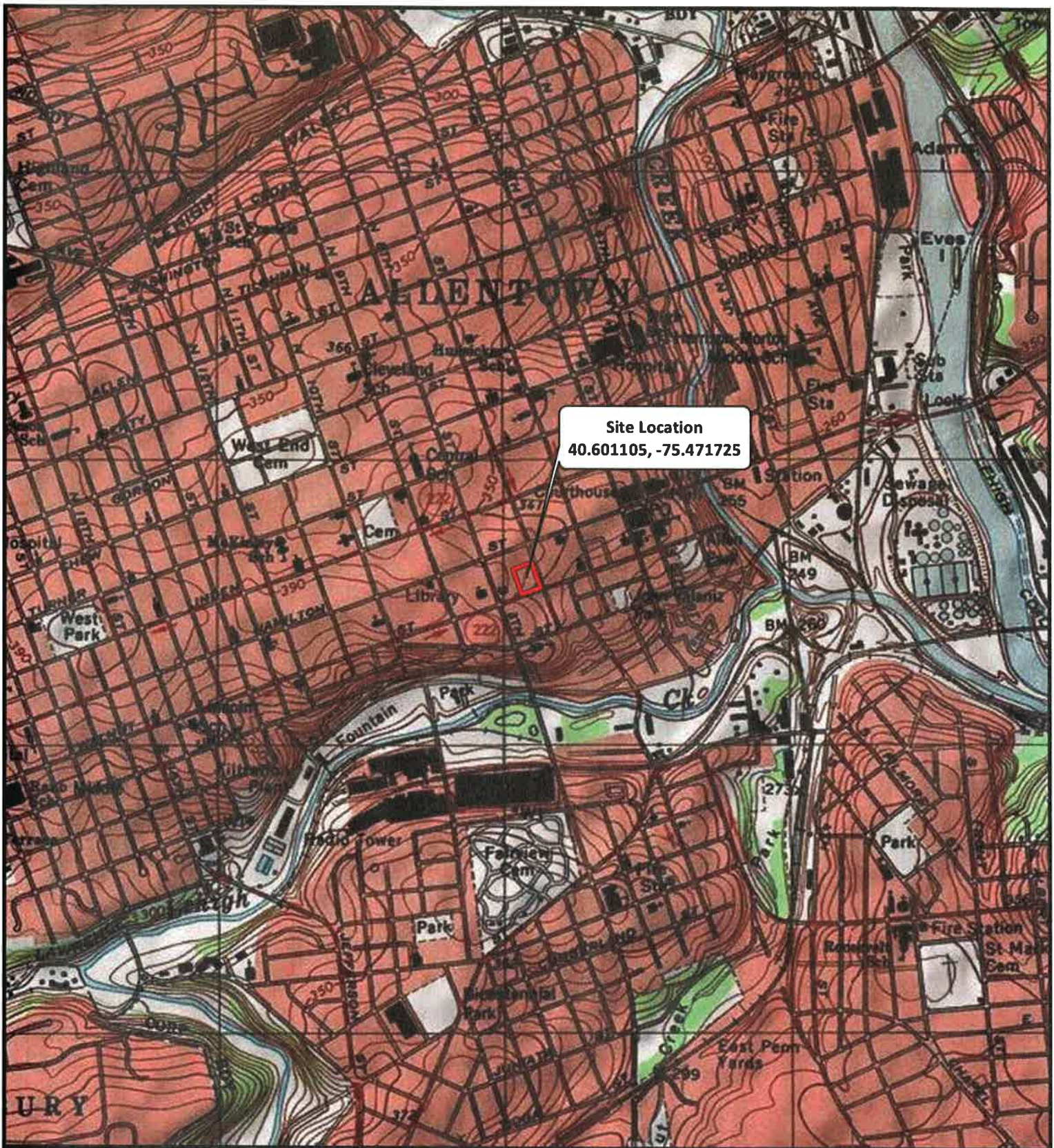
Jacob Hunsicker
Capital Works Project Specialist

Cc: David Miller, PE – Rettew
Robert DiLorenzo – City Center Investment Group
Ed Hoyle - LCA

SECTION 3.3

PROJECT NARRATIVE

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**



Site Location
40.601105, -75.471725

 Site Boundary

City Center Investment Corp.

5 City Center - 7th & Walnut

Figure 1 - Site Location Map

City of Allentown, Lehigh County, PA

Project No. 096772003



0 2,000
Feet
1 Inch = 2,000 feet

RETTEW

SECTION 3.5

PLOT PLAN

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

[illegible]

- 1 DISCONNECTED OR ELECTRICAL AND WATER SEPARATE SYSTEMS AND ALL OTHER UTILITY PROVIDERS SHOULD BE DISCONNECTED IN ACCORDANCE WITH THE REQUIREMENTS OF EACH UTILITY PROVIDER.
- 2 ANY REMOVED SANITARY LINES CONNECTED TO BUILDINGS HAVE BEEN OR WILL BE DISCONNECTED ON THIS PROJECT TO NEW CONSTRUCTION MUST BE CAPED OR SEALED TO PREVENT SURFACE WATER FROM INCREASING WHILE EXCAVATING.
- 3 EXISTING AND EXISTING CONCRETE, METAL, AND IN PLACE AND EXISTING CONCRETE TO BE REMOVED AND DRAIN IMPROVEMENTS, SEE SECTION AND DRAINAGE CONSTRUCTION PLAN AND DETAILS.
- 4 REMOVED WATER SERVICES WILL NEED TO BE CUT AND CAPPED AT THE CONNECTION.

[illegible][illegible]

The diagram illustrates a cross-section of a road pavement structure. At the top, there's a layer labeled 'A' representing the surface course. Below it is a thicker layer labeled 'B' for the base course. Underneath 'B' is another layer labeled 'C'. The bottom-most layer is labeled 'D', which appears to be the subgrade or a drainage layer. On the right side, there's a vertical section labeled 'E' showing a different material or a specific construction detail. Various other labels like 'F', 'G', 'H', 'I', 'J', 'K', 'L', 'M', 'N', 'O', 'P', 'Q', 'R', 'S', 'T', 'U', 'V', 'W', 'X', 'Y', 'Z' are scattered throughout the diagram, pointing to specific features, joints, or materials used in the construction.

[illegible]

CITY OF ALLENTOWN, 3RD WARD LEHIGH COUNTY, PA

Expenses: 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841. 842. 843. 844.

DRAWN BY: AJS	CHECKED BY: DOM
DRAWING REFERENCE: C. L. Thompson & Co. Inc.	

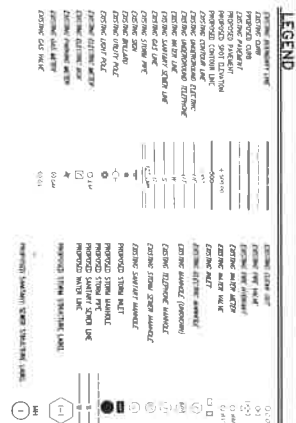
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9	11/08/18	PER LITD PRE-AFFILIATION MEETING
---	----------	----------------------------------

1	11/08/18	PER LEID PRE-APPLICATION MEETING
---	----------	----------------------------------

1 DEPRESSED CLIMB WITH 1 RICH REVEAL



CITY OF ALLENTOWN, 3RD WARD LEHIGH COUNTY, PA

Exposure to cigarette smoke, asbestos, and radon are among the leading causes of lung cancer.

SCALE
1" = 20'

DRAWN BY: AJS	CHECKED BY: DDM
DRAWING REFERENCE:	

1. *Journal of the American Medical Association*, 1998; 279: 1001-1005.

There is a significant positive correlation between the number of years of experience and the number of projects completed.

1	11/08/18	FOR LCDD PRE-APPLICATION MEETING
NO.	DATE	STATUS

SECTION 3.6

PHMC COMMENTS

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

**FIVE CITY CENTER OFFICE TOWER
7TH & WALNUT STREET
CITY CENTER INVESTMENT CORPORATION**

City of Allentown
Lehigh County, Pennsylvania

PHMC Comment

The limit of disturbance of the proposed development is 3.01 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. No historic structures will be impacted.

**DEPARTMENT OF ENVIRONMENTAL PROTECTION
OFFICE OF POLICY AND COMMUNICATIONS**

**DOCUMENT
ID NUMBER:**

012-0700-001

TITLE:

**IMPLEMENTATION OF THE PENNSYLVANIA STATE HISTORY
CODE: POLICY AND PROCEDURES FOR APPLICANTS FOR
DEP PERMITS AND PLAN APPROVALS**

AUTHORITY:

**37 Pa. C.S.A., Section 101 *et seq.* and Article 1, Section 27 of the
Pennsylvania Constitution**

EFFECTIVE DATE: March 16, 2002

POLICY:

**The Pennsylvania Department of Environmental Protection (DEP)
will cooperate with the Pennsylvania Historical and Museum
Commission (PHMC) in the protection of significant archaeological
resources and historic structures.**

PURPOSE:

**To establish procedures consistent with the Pennsylvania State
History Code for DEP plan approvals and permit reviews so that
PHMC has the opportunity to review activities undertaken with
DEP's approval for their possible impact on significant historical and
archaeological resources.**

APPLICABILITY:

To applicants for DEP permits and plan approvals and DEP staff.

DISCLAIMER:

**The policy and the procedures outlined in this guidance document
are intended to supplement existing requirements. Nothing in the
policy or the procedures shall affect more stringent regulatory
requirements.**

**The policy and the procedures herein are not an adjudication or a
regulation. There is no intent on the part of DEP to give the rules in
this policy that weight or deference. The policy and the procedures
merely announce the policy and establish the framework, within
which DEP will exercise its administrative discretion in the future.
DEP reserves the discretion to deviate from this policy statement if
circumstances warrant.**

PAGE LENGTH: 9 pages (not including appendices)

LOCATION:

Volume 1, Tab 6

DEFINITIONS:

1. **"Project applicant."** *A person who has filed or intends to file an application for a permit, approval, or authorization which DEP is authorized to issue under any of the environmental statutes which DEP implements.*
2. **"Permittee."** *A person who has a permit, approval, or authorization which DEP is authorized to issue under any of the environmental statutes which DEP implements.*
3. **"Permitted activity."** *An activity requiring a DEP-issued permit, approval, or authorization.*
4. **"Cultural Resource Notice."** *A notice given by the project applicant to PHMC regarding the intended activity for which the applicant needs DEP's permit or plan approval.*
5. **"Determination Letter."** *A letter given by PHMC to the project applicant indicating PHMC's determination of the historical or archaeological significance of the site of the project applicant's intended activity.*
6. **"Historic resource."** *A building, structure, object, district, place, site, or area significant in the history, architecture, maritime heritage, archaeology, or culture of this Commonwealth, its communities or the nation.*
7. **"Significant archaeological site."** *An area of land which contains extensive evidence of previous prehistoric or historic human habitation or stratified deposits of animal or plant remains or manmade artifacts or human burials which enhances our understanding of past cultural behavior.*
8. **"Archaeological survey."** *A visual inspection and limited sampling and excavation of an archaeological site to determine the characteristics and physical extent of a site, also known as phase one or phase two archaeological research.*
9. **"Archaeological field investigation."** *Extensive controlled excavation of an archaeological site to study the cultural history using professionally accepted means of sampling, removing and excavating archaeological specimens, also known as phase three archaeological research or data recovery.*
10. **"Mitigation Plan."** *A plan that decreases the severity of adverse effects on the site of historic resources.*

IMPLEMENTATION OF THE PENNSYLVANIA STATE HISTORY CODE: POLICY AND PROCEDURES FOR APPLICANTS FOR DEP PERMITS AND PLAN APPROVALS

A. SPECIFIC CONSIDERATIONS FOR INDIVIDUAL DEP BUREAUS

This policy applies, in general, to most DEP permitted activities. However, the diversity of programs regulated by DEP is wide and the applicable statutes and regulations may differ enough that a single document cannot adequately address the needs of each program.

In particular, federal financing programs and federal permits establish requirements on applicants that are different from those established in the Pennsylvania History Code.

To the extent that the statutes and regulations under which individual bureaus operate conflict with the following general procedures, the statutes and regulations will receive precedence over the general procedures.

It is the responsibility of the program staff of each DEP program to, as appropriate, integrate these general procedures into its permitting program.

B. EMERGENCIES

The procedures outlined in this document do not apply for an emergency undertaking. An emergency undertaking is one that requires an essential and immediate response to an imminent threat to public health or safety or damage to property.

DEP will make reasonable efforts to notify PHMC of such emergency undertakings.

C. LIST OF EXEMPTIONS

PHMC and DEP have agreed to exempt some DEP permits and plan approvals from these procedures. (Please refer to a copy of this list in Appendix 1.)

D. CULTURAL RESOURCE NOTICE

The Pennsylvania State History Code (Title 37, §507) indicates that Commonwealth agencies, political subdivisions and municipal authorities shall cooperate fully with PHMC in the preservation, protections and investigation of archaeological resources. Section 507(a) also indicates that Commonwealth agencies shall notify PHMC before undertaking any Commonwealth permitted

**DEP/PHMC POLICIES AND PROCEDURES
IMPLEMENTATION OF THE HISTORY CODE
LIST OF EXEMPTIONS
May 2006**

These DEP Permits are Exempt...	...Unless these qualifying conditions apply.
FOR ALL BUREAUS	Permitted activities which may affect Historic Resources on the National Register of Historic Places are not exempt regardless of size.
A. BUREAU OF AIR QUALITY Air Quality Plan Air Quality Operating Permit	Exempt unless more than 10 acres of earth disturbance.
B. BUREAU OF WASTE MANAGEMENT Projects which do not involve earth disturbance Facilities operating under permit-by-rule provisions	
C. BUREAU OF RADIATION PROTECTION Naturally Occurring and Accelerator Produced Radioactive Materials (NARM) Licenses	
D. BUREAU OF OIL AND GAS MANAGEMENT Individual Well Permits (normally only ½ to 1½ acre in size) DEP contracts for plugging wells Well registration Pillar Permits Underground Injection Control Permit NGPA Gas Well Classification Determinations Clean Streams Law Part II Permits for disposal wells and treatment facilities	Exempt unless more than 10 acres of earth disturbance.

These DEP Permits are Exempt...	...Unless these qualifying conditions apply.
<p>7. Planning Approval Under the Sewage Facilities Act</p> <ul style="list-style-type: none"> a. Component 1 – Exception to the Requirement to Revise the Official Plan b. Component 2 – Individual and Community Onlot Disposal of Sewage c. Component 3 – Sewage Collection and Treatment Facilities d. Component 3s – Small Flow Treatment Facilities e. Exemption from Sewage Facilities Planning <p>II. Division of Operations Monitoring and Training</p> <ul style="list-style-type: none"> 1. Public Water Supply Permits that do not involve any earth moving activity 2. Public Water Supply Permits for wells 3. Other Public Water Supply Permits 	<p>Exempt unless more than 10 acres of each disturbance.</p> <p>Exempt unless more than 10 acres of earth disturbance.</p> <p>Exempt unless more than 10 acres of earth disturbance.</p> <p>Exempt unless more than 10 acres of earth disturbance.</p>
<p>G. BUREAU OF WATERWAYS ENGINEERING</p> <p>I. Division of Dam Safety</p> <ul style="list-style-type: none"> 1. Limited Power Permit – Major Water Power Project 	
<p>H. BUREAU OF MINING AND RECLAMATION</p> <p>Permit Renewals/Transfers</p> <p>Permits for Small Non-Coal Mining ($\leq 2,000$ tons per year)</p> <p>Permits for Non-Coal Mining $< 10,000$ tons per year</p> <p>Coal/Non-Coal Exploration Notices</p> <p>Deep Mine Provisions</p> <p>Bonding authorizations within an approved Surface Mining Permit</p> <p>Strip mine reclamation using on-site previously disturbed material</p> <p>Portals without permanent linings or facings</p> <p>Exploratory drilling or well drilling</p> <p>Abandoned mine refuse pile grading or fire extinguishment</p> <p>Drainage control work in previously disturbed areas</p>	

SECTION 3.7

PNDI RECEIPT

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

1. PROJECT INFORMATION

Project Name: **5CC 7th & Walnut**

Date of Review: **10/26/2018 10:30:44 AM**

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

Project Area: **3.17 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**

Decimal Degrees: **40.601173, -75.471659**

Degrees Minutes Seconds: **40° 36' 4.2237" N, 75° 28' 17.9718" W**

2. SEARCH RESULTS

Agency	Results	Response
PA Game Commission	Potential Impact	FURTHER REVIEW IS REQUIRED, See Agency Response
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 there may be potential impacts to threatened and endangered and/or special concern species and resources within the project area. If the response above indicates "No Further Review Required" no additional communication with the respective agency is required. If the response is "Further Review Required" or "See Agency Response," refer to the appropriate agency comments below. Please see the DEP Information Section of this receipt if a PA Department of Environmental Protection Permit is required.

5CC 7th & Walnut

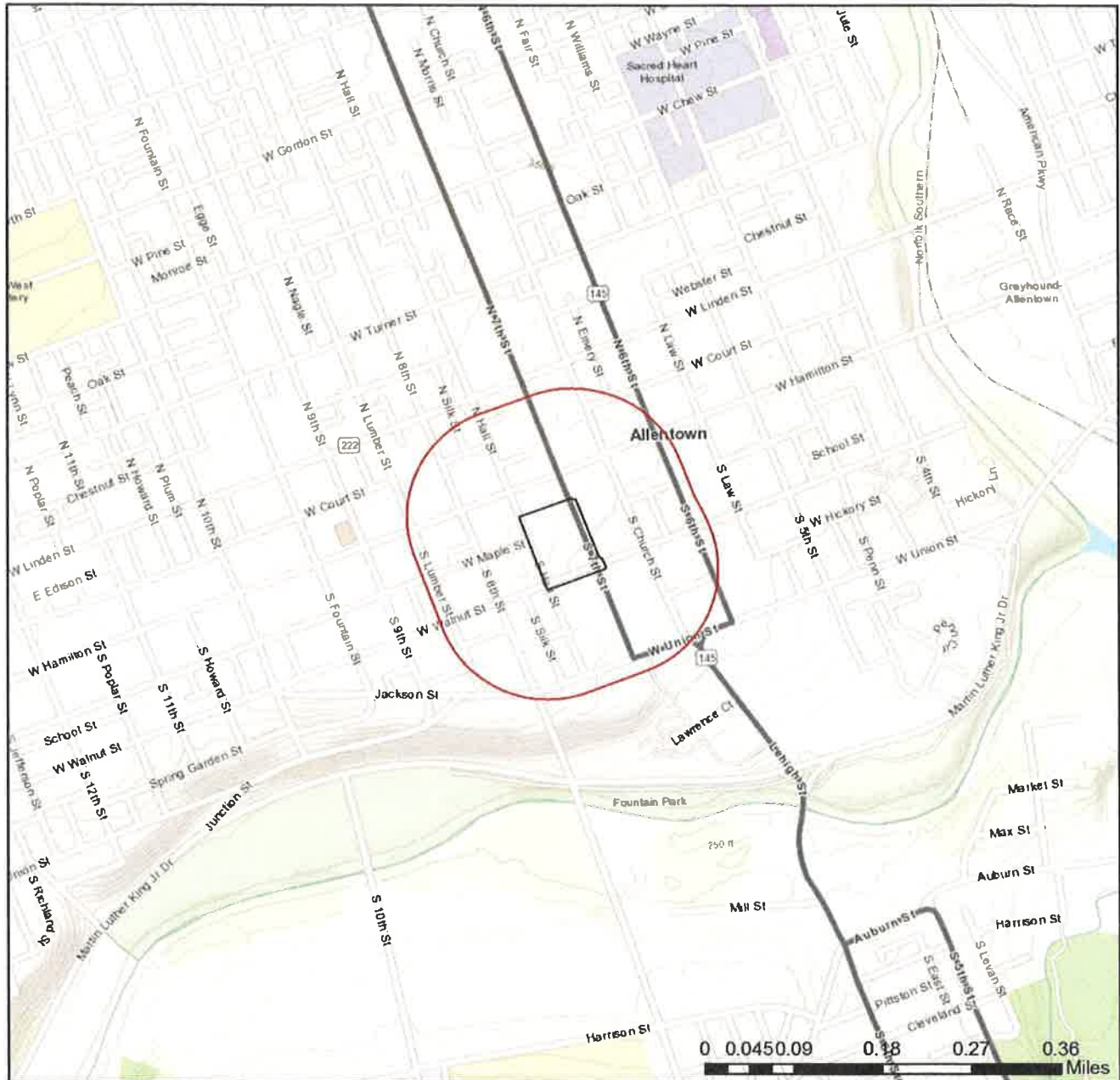


- ☐ Project Boundary
- ☐ Buffered Project Boundary

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, Garmin, © OpenStreetMap contributors, and the GIS user community



5CC 7th & Walnut



- ☐ 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
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS,



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:

Further review of this project is necessary to resolve the potential impact(s). Please send project information to this agency for review (see WHAT TO SEND).

PGC Species: (Note: The Pennsylvania Conservation Explorer tool is a primary screening tool, and a desktop review may reveal more or fewer species than what is listed below.)

Scientific Name	Common Name	Current Status
Falco peregrinus	Peregrine Falcon	Endangered

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.

* Special Concern Species or Resource - Plant or animal species classified as rare, tentatively undetermined or candidate as well as other taxa of conservation concern, significant natural communities, special concern populations (plants or animals) and unique geologic features.

** Sensitive Species - Species identified by the jurisdictional agency as collectible, having economic value, or being susceptible to decline as a result of visitation.

WHAT TO SEND TO JURISDICTIONAL AGENCIES

If project information was requested by one or more of the agencies above, upload* or email* the following information to the agency(s). Instructions for uploading project materials can be found [here](#). This option provides the applicant with the convenience of sending project materials to a single location accessible to all three state agencies. Alternatively, applicants may email or mail their project materials (see AGENCY CONTACT INFORMATION).

***Note:** U.S.Fish and Wildlife Service requires applicants to mail project materials to the USFWS PA field office (see AGENCY CONTACT INFORMATION). USFWS will not accept project materials submitted electronically (by upload or email).

Check-list of Minimum Materials to be submitted:

____ Project narrative with a description of the overall project, the work to be performed, current physical characteristics of the site and acreage to be impacted.

____ A map with the project boundary and/or a basic site plan (particularly showing the relationship of the project to the physical features such as wetlands, streams, ponds, rock outcrops, etc.)

In addition to the materials listed above, USFWS REQUIRES the following

____ **SIGNED** copy of a Final Project Environmental Review Receipt

The inclusion of the following information may expedite the review process.

____ Color photos keyed to the basic site plan (i.e. showing on the site plan where and in what direction each photo was taken and the date of the photos)

____ Information about the presence and location of wetlands in the project area, and how this was determined (e.g., by a qualified wetlands biologist), if wetlands are present in the project area, provide project plans showing the location of all project features, as well as wetlands and streams.

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

10/26/18

date



COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA GAME COMMISSION

2001 Elmerton Avenue
Harrisburg, PA 17110-9797

Wildlife Habitat Management
(717) 787-6818

December 4, 2018

Ms. Laura Hall
RETTEW Associates, Inc.
3020 Columbia Avenue
Lancaster, Pennsylvania 17603
llhall@rettew.com

PNDI Receipt File: *project_receipt_5cc_7th_walnut_658183_FINAL_2.pdf*
Re: 5CC 7th & Walnut
City of Allentown, Lehigh County, Pennsylvania

Dear Ms. Hall,

Thank you for submitting Pennsylvania Natural Diversity Inventory (PNDI) Environmental Review Receipt *project_receipt_5cc_7th_walnut_658183_FINAL_2.pdf* for review. The Pennsylvania Game Commission (PGC) screened this project for potential impacts to species and resources of concern under PGC responsibility, which includes birds and mammals only.

No Impact Anticipated

PNDI records indicate species or resources of concern are located within the vicinity of the project. However, based on the information you submitted concerning the nature of the project, the immediate location, and our detailed resource information, the PGC has determined that no impact is likely. Therefore, no further coordination with the PGC will be necessary for this project at this time.

This response represents the most up-to-date summary of the PNDI data files and is valid for two (2) years from the date of this letter. An absence of recorded information does not necessarily imply actual conditions on site. Should project plans change or additional information on listed or proposed species become available, this determination may be reconsidered.

Should the proposed work continue beyond the period covered by this letter, please resubmit the project to this agency as an "Update" (including an updated PNDI receipt, project narrative and accurate map). If the proposed work has not changed and no additional information concerning listed species is found, the project will be cleared for PNDI requirements under this agency for two additional years.

This finding applies to impacts to birds and mammals only. To complete your review of state and federally-listed threatened and endangered species and species of special concern, please be sure that the U.S. Fish and Wildlife Service, the PA Department of Conservation and Natural

Resources, and/or the PA Fish and Boat Commission have been contacted regarding this project as directed by the online PNDI ER Tool found at www.naturalheritage.state.pa.us.

Sincerely,



Olivia A. Braun
Environmental Planner
Division of Environmental Planning & Habitat Protection
Bureau of Wildlife Habitat Management
Phone: 717-787-4250, Extension 3128
Fax: 717-787-6957
E-mail: Olbraun@pa.gov

A PNHP Partner



OAB/oab

cc: File

SECTION 3.8

ALTERNATIVES ANALYSIS

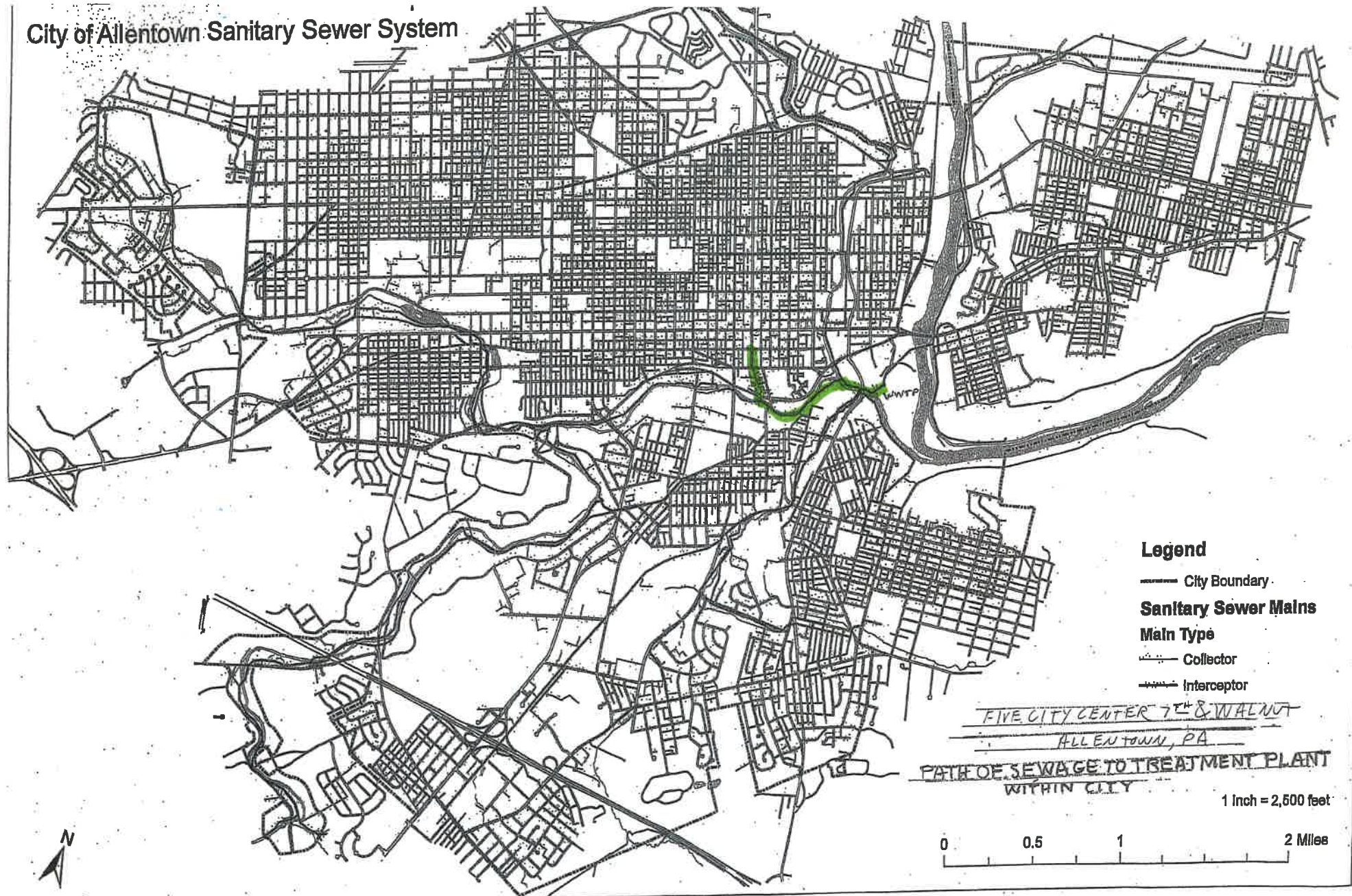
**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

SECTION 3.9

PATH OF SEWAGE TO TREATMENT FACILITY

**CITY OF ALLENTOWN
LEHIGH COUNTY, PENNSYLVANIA**

City of Allentown Sanitary Sewer System



**FIVE CITY CENTER OFFICE TOWER
7TH & WALNUT STREET
CITY CENTER INVESTMENT CORPORATION**

City of Allentown
Lehigh County, Pennsylvania

Alternate Sewer Facilities Analysis:

City Center Investment Corporation is proposing the development of Five City Center 7th & Walnut which is on approximately 1.9 acres. The proposed property is located at the southeast corner of the Walnut Street and 7th Street intersection in Allentown, PA. The project will consist of a multi-story residential apartment building and parking structure. The added anticipated sewage flow is 32,292 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 3.10

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**
 - 941.4 WASTEWATER DISCHARGE PERMITS**
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 - 941.9 PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**
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 - 941.13 AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**
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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

(2) An Industrial User that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater) ;

(b) Contributes a process wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the City on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) The City may determine that an Industrial User subject to categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(a) The Industrial User, prior to City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(b) The Industrial User annually submits the certification statement required in Section 6.13 [see 40 CFR 403.12(q)] , together with any additional information necessary to support the certification statement; and

(c) The Industrial User never discharges any untreated concentrated wastewater.

(4) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the City may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f) (6), determine that such user should not be considered a significant industrial user.

KK. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this Ordinance. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

LL. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

MM. North American Industry Classification System (NAICS). A classification pursuant to the *North American Industry Classification System Manual* issued by the United States Office of Management and Budget.

NN. Director of Public Works. The person designated by the City to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by this Ordinance. The term also means a duly authorized representative of the Director of Public Works.

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