

## CHAPTER 18

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## Part 1

### General Provisions

#### §101. Purpose and Policy.

1. This chapter sets forth uniform requirements for direct and indirect contributors into the wastewater collection and treatment system owned and operated by the Borough, to effect compliance with applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403). At the time of the enactment hereof, Stroudsburg Borough operates the wastewater collection and treatment systems, and so long as Stroudsburg Borough continues to do so, where the context refers to operations, this meaning shall be supplied.
2. The objectives of this Part are:
  - A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge or otherwise be incompatible with the system.
  - B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system inadequately treated into receiving water or the atmosphere.
  - C. To improve the opportunity to recycle and reclaim wastewater and sludges from the system.
  - D. To provide for equitable distribution of the cost for the implementation of the Borough's Municipal Industrial Pretreatment Program.
3. This Part provides for the regulation of direct and indirect contributors to the municipal wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for the other users; authorizes monitoring and enforcement activities; requires user reporting; assumes that each existing customer's capacity will not be preempted, and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.
4. Nothing contained in this Part shall be construed as preventing any special agreement or arrangement between the Borough and significant users within or out of the Borough, whereby a waste of unusual strength or character may be accepted by the Borough by special agreements, in writing, executed prior to such acceptance, containing safeguards, limitations, and conditions acceptable to the Borough and in conformance with minimum EPA pretreatment requirements.

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5. The citation of statute law, regulatory law, executive order or any official act includes any amendments thereto and includes enactments, regulations, or executive orders which supplant the citations stated.

(Ord. 683, 11/8/1989, §1)

### §102. Definitions and Abbreviations.

1. Definitions. Unless the context specifically indicates otherwise, the following terms and phrases as used in this Part shall have the meanings hereinafter designated:

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.

APPROVAL AUTHORITY – the Director in an NPDES state with an approved State Pretreatment Program, or the Administrator of the EPA in a non-NPDES state, or the Director in an NPDES state without an approved state pretreatment program.

AUTHORIZED REPRESENTATIVE OF A SIGNIFICANT USER – an authorized representative of a significant user may be a principal executive officer of at least the level of vice president if the significant user is a corporation; a general partner or proprietor if the significant user is a partnership or proprietorship, respectively; a duly authorized representative of the individual designated above, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates; or any governmental entity within the Borough. The signature must conform to requirements set forth in 40 CFR 403.12(1).

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

BOROUGH – Stroudsburg Borough, Monroe County, Pennsylvania.

BUILDING DRAIN – that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER – a sewer conveying wastewater from the premises of a user to the POTW.

CATEGORICAL STANDARDS – National Categorical Pretreatment Standards or pretreatment standards.

**CONTROL AUTHORITY** – the term "control authority," as defined hereinabove, or the superintendent if the Borough has an approved pretreatment program under the provisions of 40 CFR 403.11.

**COOLING WATER** – the water discharged from any use, such as air-conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

**DIRECT DISCHARGE** – the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.

**ENVIRONMENTAL PROTECTION AGENCY (EPA)** – the U.S. Environmental Protection Agency or, where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

**GRAB SAMPLE** – a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

**HOLDING TANKS WASTES** – any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

**IMPROVED PROPERTY** – any property within the Borough upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure wastewater shall be or may be discharged.

**INDIRECT DISCHARGE** – the discharge or the introduction of pollutants into the POTW, including holding tank waste discharged into the system as outlined in 40 CFR 403.3(g) and Sections 30(b), (c), and (d) of the Act.

**INDUSTRIAL USER** – an industrial source of indirect discharge.

**INTERFERENCE** – the inhibition or disruption of the POTW treatment processes or operations or its sludge operations which contributes to a violation of any requirement of the Borough's NPDES permit. The term includes prevention of sewage sludge use, sludge processes, or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. §1345), or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA applicable to the method of disposal or use employed by the POTW.

**NATIONAL CATEGORICAL PRETREATMENT STANDARDS or PRETREATMENT STANDARD** – any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §131 and 40 CFR Chapter I, Subchapter N, or 40 CFR Parts 401-471), which applies to a specific industry.

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**NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM or NPDES** – a permit issued pursuant to Section 402 of the Act (33 U.S.C. §1317).

**NATIONAL PROHIBITIVE DISCHARGE STANDARD or PROHIBITIVE DISCHARGE STANDARD** – any regulation developed under the authority of Section 307(b) of the Act and 40 CFR §403.5.

**NEW SOURCE** – any source, the construction of which is carried out at a site at which no other source is located, or the construction totally replaces the process or production equipment that causes the discharge of pollutants at an existing source, or the production or wastewater generating processes of the constructed facility are substantially independent of an existing source at the same site [and in any event, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307 (c) (33 U.S.C. §1317) Categorical Pretreatment Standard which will be applicable to such sources, if such standard is thereafter promulgated within 120 days of proposal in the Federal Register. Where the standard is promulgated later than 120 days after proposal, a new source means any source, the construction of which is commenced after the date of promulgation of the standard.]

**NITROGEN AMMONIA (NH<sup>3</sup>-N)** – the quantity of ammonia nitrogen expressed in terms of weight and concentration (milligrams per liter) as nitrogen and determined by an analytical method outlined in 40 CFR Part 136.

**NITROGEN TOTAL KJELDAHL (TKN)** – the quantity of total kjeldahl nitrogen (TKN) expressed in terms of weight and concentration (milligrams per liter) as nitrogen and determined by an analytical method outlined in 40 CFR Part 136.

**OCCUPIED BUILDING** – any structure for continuous or periodic human occupancy from which sanitary sewage is or may be discharged, and includes, without limiting the generality of the foregoing, dwellings, flats, apartments, stores, shops, offices, and business or industrial establishments.

**OWNER** – any person vested with ownership, legal or equitable, sole or partial of any improved property.

**PASS THROUGH** – a discharge which exits the POTW into waters of the United States in quantities which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirements of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

**PERSON** – any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, government entity, any other legal entity or any of their legal representatives, agents or assigns. The masculine gender shall include the feminine. The singular shall include the plural where indicated by the context.

pH – the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions, expressed in grams per liter of solution.

PHOSPHATE (PO<sub>4</sub> as P) – the quantity of phosphate ion (PO<sub>4</sub>), expressed in terms of weight and concentration (milligrams per liter) as phosphorus and determined by an analytical method outlined in 40 CFR Part 136.

POLLUANT – any dredged soil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

POTW TREATMENT PLANT – that portion of the POTW designed to provide treatment to wastewater, including any improvements, enlargements, and modifications thereto.

PRETREATMENT or TREATMENT – the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to, or in lieu of, discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or by process changes, or by other means, except as prohibited by 40 CFR §403.6(d).

PRETREATMENT STANDARDS – any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on a significant user.

PUBLICLY OWNED TREATMENT WORKS (POTW) – the treatment works, as defined by Section 212 of the Act (33 U.S.C. 1292), which is owned in this instance by the Borough and Stroud Township. This definition includes any sewers of the Borough that convey wastewater to the POTW treatment plant, but does not include pipes, sewers, or other conveyances not connected to a facility providing treatment.

SEWER – any pipe or conduit constituting a part of the POTW used or usable for sewage collection services.

SHALL is mandatory; MAY is permissive.

SIGNIFICANT USER – any nonresidential user of the Borough's wastewater disposal system who has a discharge flow of 25,000 gallons or more per average workday; or has a flow greater than five percent of the flow in the Borough's wastewater collection and treatment system; or has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Pennsylvania statutes and rules; or is found by the Borough, Pennsylvania Department of Environmental Resources (DER), or the U.S. Environmental Protection Agency (EPA) to have significant impact, either singly or in combination with other contributing significant

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users, on the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system.

**STANDARD INDUSTRIAL CLASSIFICATION (SIC)** – a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

**STATE** – State of Pennsylvania.

**STORMWATER** – any flow occurring during or following any form of natural precipitation and resulting therefrom.

**SUPERINTENDENT** – the superintendent of the wastewater treatment plant who is charged by the Borough with certain duties and responsibilities by this Part, or his duly authorized representative, deputy, or agent.

**SUSPENDED SOLIDS** – the total suspended matter that floats on the surface of or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.

**TOXIC POLLUTANT** – any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under the provision of CWA 307(a) or other acts.

**USER** – any person who contributes, causes, or permits the contribution of wastewater into the POTW.

**WASTEWATER** – the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW. (See §108 for prohibited substances.)

**WATERS OF THE STATE** – all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

2. Abbreviations. The following abbreviations shall have the designated meanings:

|      |  |
|------|--|
| ASTM | American Standard Testing Methods                  |
| CFR  | Code of Federal Regulations                        |
| CWA  | Clean Water Act                                    |
| DER  | Pennsylvania Department of Environmental Resources |
| EPA  | U.S. Environmental Protection Agency               |

|       |  |
|-------|--|
| l     | Liter  |
| mg    | Milligrams   |
| mg/l  | Milligrams per liter                               |
| NPDES | National Pollutant Discharge Elimination System    |
| O&M   | Operation and Maintenance                          |
| POTW  | Public Owned Treatment Works                       |
| SIC   | Standard Industrial Classification                 |
| SWDA  | Solid Waste Disposal Act, 42 U.S.C. §6901, et seq. |
| USC   | United States Code                                 |
| TKN   | Total Kjeldahl Nitrogen                            |
| TSS   | Total Suspended Solids                             |
| WPCF  | Water Pollution Control Federation                 |

(Ord. 683, 11/8/1989, §2)

**§103. Severability.**

In the event that any provision, section, sentence, clause or part of this Part shall be held invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this Part. It is the intent of this Borough that such remainder shall be and shall remain in full force and effect.

(Ord. 683, 11/8/1989, §2)

**§104. Enforcement.**

1. Notification. Whenever the Borough finds that any user or significant user has violated or is violating this Part, his user permit or significant user permit, or any prohibition, limitation of requirements contained herein, the Borough may serve upon such person a written notice, stating the nature of the violation. Within 30 days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Borough by the user or significant user.
2. Harmful Discharges; Permit Suspensions.
  - A. The Borough may suspend a user permit or a significant user permit whenever such suspension is necessary in the opinion of the Borough in order to stop an actual or threatened discharge which presents, or may present, an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes interference to the POTW, or causes the Borough to violate any condition of its NPDES permit.

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- B. Any person notified of a suspension of his permit shall immediately stop or eliminate the discharge. Any person notified of a suspension of his permit shall immediately stop or eliminate the discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Borough shall take steps as deemed necessary to prevent or minimize damage to the POTW system or endangerment to any individuals. The Borough shall reinstate the permit upon proof of the elimination of the noncomplying discharge by the user or significant user, payment of any damages, fines, penalties or costs associated with the discharge, and the submission of a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent any future occurrence.
3. Revocation of Permit. Any user or significant user is subject to revocation of a permit granted hereunder for violation of applicable State and Federal regulations, or by reason of the commission of any of the following acts:
  - A. Failure to report factually on discharge wastewater constituents and characteristics.
  - B. Failure to report significant changes in operations or wastewater constituents and characteristics.
  - C. Refusal to permit reasonable access to the premises for inspection and monitoring.
  - D. Violation of the conditions of the permit.
4. Rights to Appeal.
  - A. A user, upon receipt of notification of suspension or revocation of a user permit or significant user permit, may appeal the decision in writing to the Council of the Borough with a statement of reasons therefor within 10 days of the notice.
  - B. Thereafter, upon notice in writing given to the permit holder or any agent or officer thereof at least five days prior to the time fixed therefor, the Council of the Borough shall convene and conduct a hearing on the propriety or lack thereof of the notice of suspension or revocation. The cost of the stenographic transcript of such a proceeding shall be borne by the appellant, who shall pay a filing fee of \$400 per hearing session to cover the cost thereof.
  - C. The findings and determinations of the Council shall be in writing and shall be mailed to the owner or to his duly authorized representative within 48 hours of the hearing, with a certified copy thereof to be filed with the Borough. The determination shall be binding both upon the Borough and all parties in interest.

D. If the decision of the Council sustains the notice of suspension or revocation of permit, the user shall be given 10 days' notice of the new date of suspension or revocation by the Borough.

5. Legal Action. If any person discharges sewage, industrial wastes, or other wastes into the POTW or other requirements which are contrary to the provisions of this Part, Federal or State pretreatment requirements, or any order of the Borough, or violates any other provisions of this Part, the Borough may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

(Ord. 683, 11/8/1989, §2)

### **§105. Penalties.**

1. Fines. Any user or significant user alleged to have violated an order of the Borough or to have failed to comply with any provision of this Part or the orders, rules, regulations and permits issued hereunder shall be prosecuted before a District Justice and, upon conviction thereof, shall be subject to a fine of not more than \$1,000 for each offense. Each day on which a violation shall occur or continue to occur shall be deemed to be a separate and distinct offense.
2. Civil Penalties. In addition to prosecution before a District Justice as set forth in §105, Subsection 1, hereof, the Borough may recover civil penalties of \$1,000 per day per violation, plus damages, costs, reasonable attorneys' fees, court costs, and costs of court reporters' transcripts, as well as other expenses of litigation made necessary as the result of violations of this Part or the orders, rules, regulations, and permits issued hereunder, to be recovered in an action at law instituted by the Borough against the user or significant user alleged to have been responsible therefor.

(Ord. 683, 11/8/1989, §2)

### **§106. Falsifying Information: Punishable Offense.**

Any person who knowingly makes any false statements, representations, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Part or user or significant user permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part shall be punished as provided by law.

(Ord. 683, 11/8/1989, §6)

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### **§107. Public Sewer Not Available.**

1. Private Sewage System to be Approved. Where the public sanitary sewer is not available to a building existing as of the effective date of this Part, the building sewer shall be connected to an approved private sewage system. Said system shall comply with the provisions of this chapter and the requirements of the Department of Environmental Resources and all other applicable ordinances of the Borough now in effect or as hereafter may be enacted or amended.
2. Connecting to Public Sewers When Becomes Available. At such time as a public sewer becomes available to a property served by a private sewage disposal system as provided in this section, the building sewer shall be connected to the public sewer in compliance with the then-existing Borough regulations and ordinances. Within 90 days from the date of connection to the public sewer, the private sewer disposal system shall be cleaned of sludge and filled with clean gravel.
3. Maintenance. Any person, firm or corporation who shall use a private sewage disposal facility as permitted by this section shall operate and maintain the private sewage disposal facility in a sanitary manner at all times in accordance with all state regulations. It shall be a violation of this Part for the owner of any property to allow a private sewage disposal system to operate improperly.
4. System of Adjoining Municipality Available. If the sewer system of an adjoining municipality is available, and if the Borough and adjoining municipality execute an agreement permitting connection of Borough properties to the sewer system, then, upon notice, the Borough properties shall be required to connect to the system of the adjoining municipality.

(Ord. 683, 11/8/1989, §2)

### **§108. Prohibited Discharges into Sanitary Sewerage System.**

1. No user or significant user shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW, whether or not the user is subject to National Categorical Pretreatment Standards or any other National, State, or local pretreatment standards or requirements. A user or significant user may not contribute the following substances to the POTW:
  - A. Any liquids, solids, or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with other substances, to cause fire or explosion, or be injurious in any other way to the POTW. At no time shall two successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent, nor any single reading over 10%, of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited

to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, hydrides and sulfides and any other substance determined by the Borough, the State or the EPA to be a fire hazard or a hazard to the system.

- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding, polishing wastes, fur, ashes, incinerator residue, dredged spoil, solid waste, construction materials, rock, sand, cellar dirt, feasters, wood, wax, cinders, or medical waste.
- C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, or any flammable wastes, sand, or other harmful ingredients, except such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Borough and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal, which are subject to review by the superintendent and the Borough. Any removal and hauling of the collected materials not performed by owner's (owners') personnel must be performed by currently licensed waste-disposal firms.
- D. Any wastewater having a pH less than 5.0, unless the POTW is specifically designed to accommodate such wastewater, or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW.
- E. Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, to interfere with any wastewater treatment process, to constitute a hazard to humans or animals, to create a toxic effect in the receiving waters or the POTW, or to exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- F. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or

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hazard to life, or are sufficient to prevent entry into the sewers for maintenance and repair.

- G. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in non-compliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act, or State criteria applicable to the sludge management method being used.
  - H. Any substance which will cause the POTW to violate its NPDES permit or the water quality standards of the receiving water.
  - I. Any wastewater with an objectionable color not removed in a treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
  - J. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40°C (104°), unless the POTW treatment plant is designed to accommodate such temperature.
  - K. Any pollutants, including oxygen demanding pollutants (BOD, COD, etc.), released at a flow rate and/or pollutant concentrations which will cause interference to the POTW. In no case shall a sludge load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than 15 minutes more than five times the average twenty-four-hour concentration, quantities, or flow during normal operation.
  - L. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable State or Federal regulations.
  - M. Any wastewater which causes a hazard to human life or creates a public nuisance.
  - N. Stormwater, groundwater, roof runoff, subsurface drainage or cooling water.
  - O. No person shall dispose or dump septage into the POTW without written permission of the Borough.
2. When the Borough determines that a user or significant user is contributing to the POTW any of the above enumerated substances in such amounts as to interfere with the operation of the POTW, the Borough shall advise the user of the im-

part of such contribution on the POTW, and develop effluent limitations for such user to correct the interference with the POTW.

(Ord. 683, 11/8/1989, §2)

**§109. Regulation of Industrial Waste.**

1. Federal Categorical Pretreatment Standards. Upon the promulgation of the Federal Categorical Pretreatment Standard under Section 307 of the Clean Water Act for a particular industrial subcategory, the Federal standard, if more stringent than limitations imposed under this Part for sources in that subcategory, shall control; and the Borough shall be responsible to notify all affected users or significant users of the applicable reporting requirements under 40 CFR §403.12. Each significant user shall be responsible to notify the Borough of changes to his status under the Federal, State, or local regulations.
2. Modification of Federal Categorical Pretreatment Standards. Where the POTW treatment plant achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Borough may apply to the approval authority for modifications of specific limits in the Federal Pretreatment Standards. "Consistent removal" shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW treatment plant to a less toxic or harmless state in the effluent which is achieved by the system in 95% of the samples taken when measured according to the procedures set forth in Section 403.7(c) (2) of Title 40 of the Code of Federal Regulations, Part 403, General Pretreatment Regulations for Existing and New Sources of Pollution, promulgated pursuant to the Act. If the requirements contained in 40 CFR Part 403, §403.7, are fulfilled and prior approval from the approval authority is obtained, the Borough may then modify pollutant discharge limits in the Federal Pretreatment Standards.
3. Specific Pollutant Limitations.
  - A. No person shall discharge wastewater containing in excess of:

| <b>Parameter</b>      | <b>Max. Conc. from Industrial Connections to POTW<br/>(mg/l)</b> |
|-----------------------|--|
| Antimony              | 5.0  |
| Arsenic               | 0.1  |
| Barium                | 4.0  |
| Boron                 | 1.0  |
| Cadmium               | 0.05   |
| Chromium (hexavalent) | 0.1  |

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| <b>Parameter</b>         | <b>Max. Conc. from Industrial Connections to POTW<br/>(mg/l)</b> |
|--------------------------|--|
| Chromium (trivalent)     | 1.0  |
| Copper                   | 1.0  |
| Cyanide, total           | 0.2  |
| Iron                     | 5.0  |
| Lead                     | 0.1  |
| Manganese                | 1.0  |
| Mercury                  | 0.01   |
| Nickel                   | 1.0  |
| Total phenolics          | 0.5  |
| Selenium                 | 0.04   |
| Silver                   | 0.1  |
| Tin                      | 3.0  |
| Vanadium                 | 3.0  |
| Zinc                     | 1.0  |
| Total toxic organics     | 1.0  |
| Any single toxic organic | 0.5  |

- B. These are end-of-lateral concentrations in the wastewater stream that exist after all process and sanitary waste streams connected to the industry's wastewater collection system have mixed completely. The concentrations represent state-of-the-art for local limits that will assure protection of the wastewater treatment process. The end-of-lateral concentrations are generally lower than Categorical Pretreatment Standards which apply to concentrations measured at the end of the manufacturing process.
- C. Where Categorical Pretreatment Standards are available, §403.6 of the General Pretreatment Regulations provides a formula for calculation of an alternate value for the specific pollutant concentration limit based on combined waste strength. This formula will be applied to the wastewater stream, including domestic sewage flows and other applicable flows, to calculate an end-of-lateral concentration. The calculated concentration and the concentration based on local limits will be compared and the lower of the two (2) limits will be applied in the permit for the industrial discharge.
- D. All wastewater entering the Borough's collection system shall be pretreated to normal domestic levels unless otherwise stated in writing by the Borough by way of the significant user permit. These levels shall be:

|                  |   |              |
|------------------|---|--------------|
| BOD <sub>5</sub> | - | 250 mg/l     |
| Suspended Solids | - | 250 mg/l     |
| Ammonia Nitrogen | - | 25 mg/l as N |
| TKN              | - | 40 mg/l as N |
| Phosphate        | - | 10 mg/l as P |

4. State Requirements. State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations, or those in this Part.
5. Borough's Right of Revision. The Borough reserves the right to establish by ordinance more stringent limitations or requirements on discharges to the wastewater disposal system if deemed necessary to comply with the objectives presented in §101, Subsection 2, of this Part.
6. Excessive Discharge. No significant 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 the limitations contained in the Federal Categorical Pretreatment Standards, or with any other pollutant-specific limitation developed by the Borough, State, or Federal agencies.
7. Accidental Discharge. Each significant user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this Part. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the significant user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Borough and shall be approved by the Borough before construction of the facility. All existing significant users shall complete such a plan prior to being issued a permit. No significant user who commences contribution to the POTW after the effective date of this Part shall be permitted to introduce pollutants into the system until his accidental discharge procedures have been approved by the Borough. Review and approval of such plans and operating procedures shall not relieve the significant user from the responsibility to modify his facility, as necessary, to meet the requirements of this Part. In the case of an accidental discharge, it is the responsibility of the significant user to immediately telephone and notify the Borough of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.
8. Written Report. Within five days following an accidental discharge, the significant user shall submit to the Borough a detailed written report describing the cause of the discharge and the measures to be taken to mitigate any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW or aquatic life or any other damage to person or property. Such report shall not relieve the user or significant user of any fines, civil penalties, or other liability which may be imposed by this Part or other applicable law.

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9. Notice to Employees. A notice shall be permanently posted on the significant user's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedures.

(Ord. 683, 11/8/1989, §2)

### **§110. Fees.**

1. It is the purpose of this section to provide for the recovery of costs from significant users of the POTW for the implementation of the program established herein. The applicable charges or fees shall be established by resolution of Borough Council.
2. The Borough may adopt charges and fees, which may include:
  - A. Fees for reimbursement of the costs of setting up and operating the Borough's pretreatment program.
  - B. Fees for monitoring, inspections, and surveillance procedures.
  - C. Fees for reviewing accidental discharge procedures and construction.
  - D. Fees for permit applications.
  - E. Fees for filing appeals.
  - F. Fees for consistent removal by the Borough of pollutants otherwise subject to Federal Pretreatment Standards.
  - G. Other fees the Borough may deem necessary to carry out the requirements contained herein.
3. These fees relate solely to the matters covered by this Part and are separate from all other fees chargeable by the Borough.

(Ord. 683, 11/8/1989, §2)

### **§111. Sewer Service to Properties Outside of Borough.**

1. Council Approval Required.
  - A. Effective immediately, no premises outside the Borough of Stroudsburg, not already connected, will be permitted to connect into the sanitary sewage system of said Borough without first obtaining the approval of Borough

Council. This restriction shall not apply to individual properties in areas of adjoining municipalities served by a sanitary sewerage system subject to an agreement by and between Stroudsburg Borough and the adjoining municipality.

- B. In the event any municipality adjoining the Borough of Stroudsburg shall construct its own sanitary sewage system, and the adjoining municipalities sewage system will service the properties connected to the POTW, then and in that event each and every property owner situate in said adjoining municipality but serviced by the Borough of Stroudsburg sanitary sewage system shall be disconnected from the Borough sewage system and connected into the sewage system constructed in the municipality in which the premises are situate, unless the Borough and the adjoining municipality mutually agree to the contrary.
2. Properties on Municipal Boundaries. Any town- or row houses, garden apartments, low-rise apartments, hotels or motels, or any other type of multi-type buildings which are or will be constructed of which any portion is located within the boundaries of the Borough of Stroudsburg and the remaining portion is located in an adjoining municipality, only that portion of the building constructed within the Borough boundaries will connect into the sanitary sewerage system of the Borough of Stroudsburg.
3. Council to Establish Connection, User Permit Fees. Notwithstanding the foregoing, in the event Borough Council grants approval to connect a premises outside the Borough into the Borough sanitary sewer system, the Council shall establish connection fees and such other fees as it deems appropriate in its sound discretion. Subsections 1 and 2 hereof shall not apply where approval is granted to connect a premises outside the Borough.

(Ord. 683, 11/8/1989, §2)

#### **§112. Segregation of Sewer Revenues; Sewer Fund.**

All moneys received by the Borough from the collection of the sewer rentals and all penalties thereon, connection fees and all other charges which may be levied by this Part shall be segregated and kept separate and apart from all other funds of the Borough and shall be used only for the purpose of defraying the expenses of the Borough in the administration, operation, maintenance, repair, alteration, improvement, expansion, inspection, depreciation or other expenses in relation to the sewer system and for such debt service payments as the Borough may be required to make.

(Ord. 683, 11/8/1989, §2)



**Part 2**

**Sewer Rentals**

**§201. Imposition of Sewer Rentals and Service Charge.**

1. There is hereby imposed upon the owners of each property upon which a building is connected to the Stroudsburg sanitary sewerage system a quarterly service charge. The quarterly rental shall be based upon the quantity of water use, as evidenced by meter readings of water meters installed and maintained by the Stroudsburg Municipal Authority for the purpose of measuring water purchased from the Authority. If a building is connected to the sanitary sewerage system and is not connected to the Authority's water system, see §203 of this Part 2. The quantity of water recorded by a meter shall be conclusive on both the user and Borough, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity shall be determined by the average of the two previous quarters' registration when the meter recorded accurately. The quarterly service charge shall be an amount fixed by the Borough Council (§202, Subsection 2) and determined for individual properties by §201, Subsection 3.
2. A quarterly rental and service charge shall be paid for all buildings connected to the Stroudsburg sanitary sewerage system. The owner of a vacant building may discontinue quarterly sewer rental and service charge payments only by physically disconnecting the building from the Stroudsburg sanitary sewerage system and Stroudsburg Municipal Authority water system at the curb line. If the owner later connects to the sanitary sewerage system, he/she shall not be required to pay the capital contribution charge required by §205 of this Part 2; however, connection fees shall be paid.
3. When sanitary sewer service is provided through one sanitary sewer lateral to a mixed use building, apartment house, group of house trailers, or to any building having more than one unit (each trailer, store, apartment, office, shop, manufacturing establishment, or other similar use being hereby designated as a unit), each such unit shall be subject to the same charges (rental and service charge) as would be applied if separate connections had been made to each such unit. In those instances in which separate connections do not exist, the service charge shall be determined by multiplying the quarterly service charge by the total number of units contained in the building or located on the lot serviced.

(Ord. 649, 5/31/1988, §301)

**§202. Sewer Rental Rate Schedule and Service Charge.**

1. The quarterly sewer rental imposed by §201 hereof shall be:

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- A. Two dollars and seventy-five cents per 1,000 gallons of water used. [Ord. 937]
2. The quarterly service charge shall be:
  - A. Fifty-five dollars per residential unit.
  - B. Sixty-five dollars per commercial/institutional unit.
  - C. Seventy-five dollars per industrial unit.

(Ord. 649, 5/31/1988, §302; as amended by Ord. 831, 1/8/2003, §1; by Ord. 868, 12/20/2006; by Ord. 881, 12/19/2007; by Ord. 896, 12/18/2008; and by Ord. 937, 12/16/2010)

### **§203. Measuring Volume of Water.**

If any building or group of buildings serviced by the Stroudsburg sanitary sewerage system obtains part or all water used from a source other than the Stroudsburg Municipal Authority, then such water supply or source shall be metered in a manner acceptable to the Borough. All meters not provided by the Authority but required by this section shall be furnished, installed, and maintained at the owner's expense with installation approved by the Borough.

(Ord. 649, 5/31/1988, §303)

### **§204. Rental Payment Schedule, Penalties, Liens, Water Disconnections.**

1. All bills for sewer rental and quarterly service charges shall be dated and shall be due and payable upon presentation thereof. A penalty of five percent shall be added to the total amount due and payable if payment is not made within 30 days from the date of such bill. If the bill is not paid within 60 days of the date thereof, a penalty of nine percent shall be added to the total amount due. If the bill is not paid within 90 days from the date of such bill, an additional one-percent penalty shall be added to the total amount. For each thirty-day period beyond the ninety-day penalty, a penalty of one percent per thirty-day period shall be added.
2. If any person refuses or neglects to pay charges for sewer rental or quarterly service charge as provided herein within 90 days of the date of such bill, the Borough may collect the amount of the bill plus penalties in any manner provided by law, including by lien filed in the nature of a municipal lien, which shall be collected in the manner provided by law for the collection of such liens. The Borough may elect to collect the charges by assigning its claim to a collection agent and/or may cause water service to the property to be discontinued. With respect to accounts remaining unpaid for 90 days, the procedures set forth below shall be followed:
  - A. Delinquencies Without Payment Agreements.

- (1) All notices or demands sent by the Borough pursuant to this Subsection 2 shall be sent by certified mail to the property owner. Copies if any such notices or demands shall be sent to any tenants of the property owners.
- (2) The Borough Manager or his or her agent shall notify the property owner, in writing, of the total amount due, demanding that payment be made in full within 30 days. A copy of the letter will be sent to the tenant if the property is a rental property. If the property owner or the tenant has not paid the account by the end of the 30 days, the Borough may file a lien according to the following procedures:
  - (a) The total amount due to the Borough will be calculated. This amount will include the penalties imposed pursuant to Subsection 1 above, as well as the costs to file and satisfy the lien.
  - (b) A lien will be filed in the office of the Monroe County Prothonotary for the amounts due as calculated in Subsection 2A(2)(a) above.
  - (c) Another demand for payment will be sent to the property owner after the lien has been filed. Payment will be required within 10 days of the demand letter, which will be sent by certified mail.
  - (d) Those failing to pay the account and failing to enter into a written payment agreement within the ten-day period will be turned over to a collection agency. In such case, the account will be forwarded to the agency authorized by the Borough Council to collect the debt. The agency may add additional charges to the delinquent account.
  - (e) When full payment is made, the lien will be removed.
- (3) The Borough may also act to have the water service to the property disconnected in accordance with Subsection 3 hereinbelow.

B. Delinquencies with a Payment Agreement.

- (1) The Borough may enter into a payment agreement for a delinquent account, providing for installment payments of the delinquent amounts over a period not to exceed one year.
- (2) During the term of any payment agreement, the property owner must make timely payments thereunder, as well as make timely payments of current charges.
- (3) If the account holder fails to make two consecutive payments, the Borough Manager or his or her agent will send a letter via certified mail

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to the account holder requesting payment of missed payments within 10 days.

- (4) The process to collect delinquent amounts will then follow the procedures set forth in Subsection 2A(2)(d) above.

### C. Owners in Bankruptcy.

- (1) An owner in bankruptcy is responsible for paying sewer rental charges for the periods subsequent to the date of the filing of the petition in bankruptcy. During the pendency of a bankruptcy, the owner's property will not be liened without court approval, nor will court action to collect the delinquency be initiated. However, other remedies available to the Borough with respect to delinquent accounts may be exercised with respect to accounts of owners in bankruptcy for post-petition delinquencies. The Bankruptcy Code permits the Borough, in specified circumstances, to require payment of security deposits. Accordingly, if the account of an owner in bankruptcy was already delinquent at the time the petition in bankruptcy was filed, then at any time after 20 days after the petition was filed, the Borough may require the owner to pay a security deposit for continued service in the amount of twice the last quarterly sewer bill. The security deposit shall be refunded upon the owner's making timely payment of four successive quarterly bills.
  - (2) If the account of an owner in bankruptcy becomes delinquent post-petition, the Borough may also follow its usual procedures to terminate water service to the owner's property, and notwithstanding anything herein to the contrary, action may be taken to collect post-petition debt as may be authorized under law.
3. If any sewer rental and quarterly service charge is not paid within 90 days of said bill, the Borough may direct the Stroudsburg Municipal Authority to disconnect water service to the property charged. Water service to the charged property shall not be restored until all delinquent bills and penalties against the same are paid in full. In addition, prior to restoring service, the Borough may require the property owner to pay a security deposit, which shall be in the amount of two times the amount of the last quarterly sewer bill. If the Borough elects to disconnect water service, the procedures set forth below shall be followed:
    - A. The owner, and the owner's tenants if a tenant is occupying the property, will be given 30 days to pay the delinquent amount or enter into a payment agreement with the Borough before the claim is assigned to the Stroudsburg Municipal Authority.
    - B. If the tenant or property owner does not pay the account and does not enter into a satisfactory payment agreement within the thirty-day period, then

the Borough, by action of the Borough Council, will assign that claim to the Stroudsburg Municipal Authority.

- C. The Stroudsburg Municipal Authority will follow its established procedures for service disconnection, which procedures shall comply with 53 P.S. §2261 and shall include not less than 10 days' notice of shutoff, which notice shall be given by both mail and posting.
- D. Upon payment of the delinquent amounts, together with penalties, the Borough shall advise the owner whether and in what amount a security deposit shall be required prior to reconnection of water service.

(Ord.649, 5/31/1988, §304; as amended by Ord. 774. 4/7/1999)

### **§205. Determination of Fractional Service Charges.**

Whenever sewer service begins after the first day or terminates before the last day of any calendar quarter or whenever ownership of a serviced property is changed during a calendar quarter, the quarterly service charge shall be determined by multiplying the amount of the quarterly service charge by a fraction having the total number of days in the quarter as a denominator and the number of days sewer service was provided as a numerator.

(Ord. 649, 5/31/1988, §305)

### **§206. Owners of Property Responsible for Sewer Rentals and Service Charges.**

1. The owner or owners of property are responsible for all quarterly service charges and for all sewer rentals rendered to any tenant or occupant.
2. All owners and persons occupying property connected to the sewer system shall give the Borough their correct address. Failure to receive bills shall not be considered an excuse for nonpayment nor permit for extension of a period during which bills are payable at their face value.
3. The owner or owners of properties connected to the sewer system shall be responsible for ascertaining the accuracy of the quarterly sewer bills, including the number of units billed under the quarterly service charge. When an owner or owners pay an incorrect quarterly service charge, the Borough shall not reimburse the owner or owners for the overbilling. Conversely, when the Borough discovers it underbilled an owner or owners for the number of units billed for quarterly service charges, the Borough shall not back-charge the owner or owners. All owners must inform the Borough of changes in the number of units at their properties.

(Ord. 649, 5/31/1988, §306; as amended by Ord. 705, 6/12/1991, §1)

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### **§207. Definitions.**

COMMERCIAL/INSTITUTIONAL UNIT – shall include offices, retail and wholesale establishments, automobile service stations, laundromats, hotels, churches, schools, and non-profit agencies, provided each office, store, or place of business is considered a separate unit even though such units are contained in one building.

INDUSTRIAL UNIT – includes factories, mills, manufacturers, assemblers, and warehouses, provided each factory, mill, manufacturer, assembler, or warehouse is considered a separate unit even when contained in one building.

RESIDENTIAL UNIT – a building or portion thereof with exclusive culinary and/or sanitary facilities designed for occupancy by one person or one family (household).

(Ord. 649, 5/31/1988, §307)

### Part 3

### Connections

#### §301. Connections Required When Public Sewers Available.

1. Properties Required to Connect as System Becomes Available.
  - A. As from time to time sewer service becomes available to additional properties within the Borough by reason of improvement of properties abutting on or adjoining any sewer forming part of the sanitary sewage system or by reason of the extension of the sanitary sewage system so as to make sewer service available to additional improved properties or by reason that properties did not connect to the sanitary sewage system when it became available in the past each and every property shall be required to connect his, or her or its premises with the sanitary sewage system, but only upon receipt of due notice from the Borough to so connect.
  - B. All wastewater from any improved property, after connection of such improved property to a sewer, shall be subject to such limitations and restrictions as shall be established herein or otherwise shall be established by this Borough from time to time.
  - C. No person shall place, shall deposit or shall permit to be placed or to be deposited upon public or private property within the Borough any wastewater; subject, however to such permit requirements and limitations and restrictions as shall be established herein or otherwise shall be established by the Borough from time to time.
  - D. No person shall discharge or shall permit to be discharged to any natural outlet within the Borough any wastewater except where suitable treatment has been provided that is satisfactory to the Borough; subject, however to such permit requirements and limitations and restrictions as shall be established herein or otherwise shall be established by the Borough from time to time.
2. Cesspools, Sinkholes, Septic Tanks.
  - A. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used or shall be maintained at any time upon any improved property that has been connected to a sewer or that shall be required under §301, Subsection 1, to be connected to a sewer.
  - B. Every such privy vault, cesspool, sinkhole, septic tank or similar receptacle in existence shall be abandoned and, at the discretion of the Borough, shall be cleansed and shall be filled, at the expense of the owner of such property, under the direction and supervision of the Borough; and any such privy

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vault, cesspool, sinkhole, septic tank or similar receptacle not so abandoned and, if required by the Borough, not cleansed and filled, shall constitute a nuisance, and such nuisance may be abated, as provided by law, at the expense of the owner of such improved property.

- C. No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be connected to the sanitary sewerage system at any time.

(Ord. 683, 11/8/1989, §3)

### **§302. Time Limit for Connecting.**

The owner of any improved property benefited, improved, or accommodated by a sewer shall connect such improved property with such sewer, in such manner as the Borough may require, within 90 days after notice to such owner from this Borough to make such connection, for the purpose of discharge of all wastewater from such improved property; subject, however, to such permit requirements and to such limitations and restrictions as shall be established herein or otherwise shall be established by the Borough from time to time.

(Ord. 683, 11/8/1989, §3)

### **§303. Connections with Permit Only.**

No unauthorized persons shall uncover, make any connections with, or opening into, or use, or alter, or disturb the POTW or any appurtenance thereof without first obtaining a written user permit from the Borough as set forth in §304 of this Part. All costs and expenses incidental to the installation, connection, and maintenance of a building sewer shall be borne by the owner(s). The owner(s) shall indemnify the Borough from any loss or damage that may directly or indirectly be occasioned by the installation of a building sewer.

(Ord. 383, 11/8/1989, §3)

### **§304. Connection (User or Significant User) Permits.**

1. Applications. Permits for connection shall be issued from the Borough Manager's office. Forms for such application will be furnished by the Borough. There shall be two classes of connection permits: user permits for residential uses and commercial uses not qualifying as a "significant user" under §102 of this Part and significant user permits for establishments producing industrial wastes and commercial uses qualifying as significant users. In either case, the owner or his agent shall make application on a special form furnished by the Borough. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Borough. A permit fee shall be paid to the

Borough at the time the application is filed. All connection permit applications shall be reviewed and approved in writing by the Borough prior to permit issuance. Permit fees for user of significant user permits are established in §306 of this Part.

2. Authority to Impose Conditions, Modify and Revoke Permits. The Borough may impose conditions in any user permit for compliance with pollutant limitations, which conditions are deemed necessary by the Borough to ensure continued compliance with pretreatment standards and requirements. Moreover, the Borough may modify existing permits to respond to changes in industrial discharges to alleviate problems at the POTW treatment plant, to meet standard quality water standards, or to incorporate National Categorical Pretreatment Standards and requirements. The Borough may also prohibit the transfer of user permits when an industry is acquired by a new owner, and revoke user permits to ensure against violations of permit conditions.
3. Authority to Require Information.
  - A. The Borough shall require a user of sewer services to provide information needed to determine compliance with this Part or other applicable local, State, or Federal laws, rules, or regulations. These requirements may include:
    - (1) Wastewater discharge peak rate and volume records over a specified time period.
    - (2) Information on raw materials, processes, and products affecting wastewater volume and quality.
    - (3) Quantity and disposition of specific liquid, sludge, oil, solvent or other materials important to sewer use control.
    - (4) A plot plan of sewers on the user's property showing sewer facility locations and all proposed sewer connections to these facilities.
    - (5) Details of systems to prevent and control storms from entering municipal sewers.
  - B. The cost for providing this information shall be borne by the user of the sewer services in addition to other charges and sewer rentals.
  - C. All measurements, tests, and analyses of the characteristics of waters and wastewaters to which reference is made in this Part shall be determined in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136 and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

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- D. The user shall be responsible for submitting all applicable County, regional, State, or federal permits or planning documents required for approval of sewer connection.
4. Significant Users Permit.
- A. All significant users proposing to connect to or contribute to the POTW shall obtain a significant user permit before connecting to or contributing to the POTW. All existing significant users connected to or contributing to the POTW shall apply for a significant user permit within 30 days after the effective date of this Part.
  - B. Whenever a user becomes subject to a new National Categorical Pretreatment Standard, but has not previously submitted an application for a significant user permit as required by §304, the user shall apply for a significant user permit within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard.
5. Permit Application.
- A. A person, corporation, or firm required to obtain a significant user permit shall complete and file with the Borough an application in the form prescribed by the Borough, accompanied by the required fee. In support of the application, the significant user shall submit in units and terms appropriate for evaluation, the following information:
    - (1) Name, address, and location of the facility (if it is different from the address).
    - (2) SIC number, according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended.
    - (3) Wastewater constituents and characteristics including, but not limited to, those mentioned in §108 of this chapter shall be determined by a reliable analytical laboratory in compliance with 40 CFR §403.12(1); sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136, as amended.
    - (4) Time and duration of contribution.
    - (5) Average daily and three-minute peak wastewater flow rates, including daily, monthly, and seasonal variation, if any.
    - (6) Site plan, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by the size, location, and elevation.

- (7) Description of activities, facilities, and plant processes on the premises, including all materials which are or could be discharged.
- (8) The nature and concentration of any pollutant in the discharge which are limited by any Borough, State, or Federal pretreatment standards; and a statement regarding whether or not the pretreatment standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the significant user to meet applicable pretreatment standards.
- (9) If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the significant user will provide such additional pretreatment. The completion data in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. The following conditions shall apply to this schedule:
  - (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment facilities required for the significant user to meet the applicable pretreatment standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing permit for major components, commencing construction, completing construction, etc.).
  - (b) No increment referred to in Subsection 5A(9)(a) shall exceed nine months.
  - (c) No later than 14 days following each date in the schedule and the final date for compliance, the significant user shall submit a progress report to the Borough, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress; the reason for delay, and the steps being taken by the significant user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the superintendent.
- (10) Each product produced by type, amount, process or processes, and rate of production.
- (11) Type and amount of raw materials processed (average and maximum per day).

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- (12) Number and type of employees, the hours of plant operation, and proposed or actual hours of pretreatment system operation.
  - (13) Any other information as may be deemed by the Borough to be necessary to evaluate the permit application.
- B. The Borough will evaluate the data furnished by the significant user and may require additional information. After evaluation and acceptance of the data furnished, the Borough may issue a significant user permit subject to terms and conditions provided herein.
6. Permit Conditions. Significant user permits shall be expressly subject to all provisions of this Part and all other applicable regulations, user charges, and fees established by the Borough. Permits may contain the following:
- A. The unit charge or schedule of user charges and fees for the wastewater to be discharged to a community sewer.
  - B. Limits on the average and maximum wastewater constituents and characteristics.
  - C. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
  - D. Requirements for installation and maintenance of inspection and sampling facilities.
  - E. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule.
  - F. Compliance schedules.
  - G. Requirements for submission of technical reports or discharge reports [see §304(9)].
  - H. Requirements for maintaining and retaining plant records relating to wastewater discharge shall be for a period of three years (minimum) or, in the case of unresolved litigation, a minimum of three years from the termination or settlement of said litigation.
  - I. Requirements for notification of the Borough of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
  - J. Requirements for notification of slug discharges in accordance with §104, Subsection 2, of this chapter.

- K. Other conditions as deemed necessary by the Borough to ensure compliance with this chapter.
- 
- 7. Significant User Permit Duration. Significant user permits shall be issued for a specified time period, not to exceed five years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. A significant user shall apply for permit reissuance a minimum of 180 days prior to the expiration of his significant user's existing permit. The terms and conditions of his permit may be subject to modification by the Borough during the term of the permit, as limitations or requirements as identified in §108 of this chapter are modified or other just cause exists. A significant user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
  - 8. Permit Transfer Requires Borough Approval. Significant user permits are issued to a specific significant user for a specific operation. A significant user permit shall not be reassigned, or transferred, or sold to a new owner, new significant user, different premises, or a new or changed operation without the written approval of the Borough. Any succeeding owner shall also comply with the terms and conditions of the existing permit.
  - 9. Reporting Requirements in Permits.
    - A. Within 90 days following the date for final compliance with applicable pretreatment standards, or in the case of a new source, following commencement of the introduction of wastewater into the POTW, any significant user subject to pretreatment standards and requirements shall submit to the Borough a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by pretreatment standards or requirements. The report shall state whether the applicable pretreatment standards or requirements are being met on a consistent basis, and if not, what additional O&M and/or pretreatment is necessary to bring the significant user into compliance with the applicable pretreatment standards or requirements. This statement shall be signed by an authorized representative of the significant user and certified by a qualified professional engineer registered in the Commonwealth of Pennsylvania.
    - B. Every significant user subject to a pretreatment standard after the compliance date of such pretreatment standard; or, in the case of a new source, after commencement of the discharge to the POTW, shall submit to the Borough during the months of June and December, unless required more frequently in the pretreatment standards or by the Borough, a report indicating the nature and concentration of pollutants in the effluent which are limited by such pretreatment standards. In addition, this report shall include a record of all daily flow which, during the reporting period, exceeded the average daily flow allowed in the permit. At the discretion of the Borough and

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in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Borough may agree to alter the months during which the above reports are to be submitted.

C. The Borough may impose mass limitations on significant users which are using dilution to meet applicable pretreatment standards or requirements or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Subsection 1 of this section shall indicate the mass of pollutants regulated by pretreatment standards in the effluent of the significant user. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration or production and mass, where requested by the Borough, of pollutants contained therein which are limited by the applicable pretreatment standards. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. The frequency of monitoring shall be prescribed in the applicable pretreatment standard. All analysis shall be performed in accordance with procedures established by the Administrator pursuant to Section 304(g) of the Act, and contained in 40 CFR Part 136 and amendments thereto, or with any other test procedures approved by the Administrator. Sampling shall be performed in accordance with the techniques approved by the Administrator.

10. **Monitoring Facilities.** The Borough shall inspect the facilities of any user to ascertain whether the purpose of this Part is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Borough, through its representative(s), ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and copying, or in the performance of any of his duties. The Borough, the DER, and the EPA shall have the right to set up on a user's or significant user's property such devices as are necessary to conduct sampling inspection, compliance monitoring, and/or metering operations. Where a user or significant user has security measures in force which require proper identification and clearance before entry into his premises, the user or significant user shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Borough, the DER, and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.

11. **Pretreatment.**

A. Users and significant users shall provide necessary wastewater treatment as required to comply with this Part and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal pretreatment regulations. Any equipment or facilities required to the Borough shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Borough before construction of the facility. The review of such plans and operating procedures will in no

way relieve a user from the responsibility of modifying his facility as necessary to produce an effluent acceptable to the Borough under the provisions of this Part. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Borough prior to the user's or significant user's initiation of the changes.

- B. Annually the Borough shall publish in a newspaper of general circulation a list of the users and significant users who failed to comply with pretreatment requirements or standards at least once during the previous 12 months. The notification also shall summarize any enforcement actions taken by the Borough against these users and significant users during the same 12 months. See: 40 CFR 403.8(2) (VII).
12. Information and data on a user or significant user obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies without restriction unless the user or significant user specifically requests and is able to demonstrate to the satisfaction of the Borough that the release of such information, processes, or methods of production [are] entitled to protection as trade secrets of the user or significant user. When requested by the person furnishing a report, those portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available, upon written request, to governmental agencies for uses related to this Part, the National Pollutant Discharge Elimination System (NPDES) Permit, state disposal permit, and/or the pretreatment programs provided. Any such portions of a report shall also be available for use by the State or any State agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

(Ord. 683, 11/8/1989, §3)

### **§305. Compliance with Specifications in Making Connections.**

1. Old Building Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Borough, to meet all requirements of this Part.
2. Construction of Building Sewer to Specifications. The size, slope, alignment, materials or construction of a building sewer, and the methods to be used in excavating, placing of the pipe, joint testing, and backfilling the trench shall all conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations of the Borough.
3. Downspouts Not To Be Connected.

## SEWERS AND SEWAGE DISPOSAL

- A. No person shall make connection of sump pumps, roof downspouts, foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to the POTW unless such connection is approved in writing by the Superintendent for purposes of disposal of polluted surface drainage.
- B. The connection of a building sewer into the POTW shall conform to the requirements of the Building and Plumbing Code or other applicable rules and regulations set forth in appropriate specifications of the ASTM and the WPCF Manual of Practice No. 9. All such connections shall be made gas-tight and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Borough before installation.

### 4. Building Sewer Connections; Street Openings.

- A. All excavations for a building sewer installation shall be adequately guarded with barricades and lights, so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of work shall be restored in compliance with Chapter 21, Streets, of the Borough of Stroudsburg Code of Ordinances.
- B. No excavation, construction, or connection work shall be commenced within a Borough right-of-way until the owner, or his agents and/or independent contractor, shall have first filed a bond in an amount as determined by the Borough, agreeing to indemnify and save harmless the Borough against any and all loss, damages, costs, and expenses which the Borough may thereafter suffer, incur, be put to or pay by reason of the failure to complete properly any of the aforesaid excavation, construction, or connection work. The term "owner" as used herein, shall be deemed to include the owner or owners in fee simple, lessees of the premises, occupiers of the premises, and all other parties having a beneficial use or interest in the premises and occupying the same with the consent and permission of the owner of the fee title.

(Ord. 683, 11/8/1989, §3)

### **§306. Connection (User Permit or Significant User Permit) Fees.**

The connection (user permit or significant user permit) fee shall be \$250 per connection to the sanitary sewerage system; it shall be paid with the connection (user permit or significant user permit) application. The connection fee shall be required for all connections to the sewerage system.

(Ord. 683, 11/8/1989, §3)

**§307. Tapping Fee.**

1. The tapping fee shall be \$2,700 per equivalent dwelling unit; it shall be paid prior to issuance of a building permit or approval of a subdivision/land development application, whichever action occurs first.
2. For the purposes of this Part, an equivalent dwelling unit shall be any use that may discharge 10,000 gallons of sewage into the sanitary sewage system in a three-month period. Upon application of either a building permit or subdivision/land development plan, the applicant shall supply information projecting the quarterly sewage flow from the development. Except applications for single family residential development (one equivalent dwelling unit), the applicant's projections may be reviewed by the Borough's consulting sewer engineer, who shall determine the tapping fee to be paid before approval. The consulting sewer engineer may recommend that the tapping fee be estimated and after one year the applicant's annual water consumption be averaged to determine the average number of equivalent dwelling units per quarter. The tapping fee shall then be adjusted, either increased or decreased, to reflect the average quarterly flow.
3. In no case, however, shall the tapping fee be less \$2,700.
4. Upon receipt of the tapping fee from the applicant and upon plan approval or issuance of the building permit, an allocation shall be issued to the applicant. The Borough shall reserve capacity at the POTW treatment plant for the allocation for a period of 24 months. After 24 months from the date the allocation is issued, the Borough shall withdraw the reserved capacity for the allocation.
5. Allocation of reserve capacity shall not be transferable. All unused reserve capacity shall revert to the Borough.

(Ord. 683, 11/8/1989, §3; as amended by Ord. 708, 8/14/1991, §1)

**§308. Collection System Improvements.**

If at the time of recommendation of the Borough's consulting sewer engineer and a determination by Borough Council that the POTW collection and conveyance system must be enlarged or enhanced to accommodate any building or development plan, the applicant shall bear the cost of enlarging or enhancing the collection and conveyance system.

(Ord. 683, 11/8/1989, §3)

