

**LOWER SOUTHAMPTON TOWNSHIP  
ORDINANCE #603**

AN ORDINANCE OF THE TOWNSHIP OF LOWER  
SOUTHAMPTON, COUNTY OF BUCKS, COMMONWEALTH  
OF PENNSYLVANIA ADOPTING THE CITY OF  
PHILADELPHIA'S WASTE WATER CONTROL  
REGULATIONS

**WHEREAS**, the certain properties in Lower Southampton Township are served by a public waste water collection system; and

**WHEREAS**, the waste water generated in Lower Southampton Township is collected and conveyed through a waste water collection system that is eventually treated at a sewer treatment plant operated by the City of Philadelphia; and

**WHEREAS**, pursuant to obligations of Lower Southampton Township arising from an Inter-jurisdictional Pretreatment Agreement between the City of Philadelphia and Lower Southampton Township, it is necessary for Lower Southampton Township to adopt the City of Philadelphia's Waste Water Control Regulations.

**NOW, THEREFORE**, the Board of Supervisors of Lower Southampton, County of Bucks, Commonwealth of Pennsylvania hereby ordains and enacts the following:

**Section 1.** Lower Southampton Township, Bucks County, Pennsylvania hereby adopts the City of Philadelphia's Waste Water Control Regulations, as set forth in the document attached hereto as Exhibit A as amended as of July 1, 2022. All properties located in Lower Southampton Township that are connected to the waste water collection system shall comply with the City of Philadelphia's Waste Water Control Regulations including all amendments that may be made from time to time.

**Section 2.** Any provision of any Ordinance or Resolution of Lower Southampton Township which is inconsistent with this Ordinance is hereby repealed.

**Section 3.** Wherever the requirements of this Ordinance are in conflict with other requirements in the Codified Ordinances of Lower Southampton Township, the most restrictive, or those imposing the highest standards, shall govern.

**Section 4.** The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors of Lower Southampton Township that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

**Section 5.** This Ordinance shall take effect five (5) days after it is enacted.

**ORDAINED and ENACTED** an ordinance of the Township of Lower Southampton this 27 day of September, \_\_\_\_\_, 2023.

BOARD OF SUPERVISORS

Attest:

\_\_\_\_\_  
Township Manager

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**EXHIBIT "A"**

**PHILADELPHIA WATER DEPARTMENT REGULATIONS**  
As of 7/01/22

**TABLE OF CONTENTS**

Section	Title	Page
<b>CHAPTER 1</b>	<b>CUSTOMER RIGHTS AND OBLIGATIONS.....</b>	<b>5</b>
100.0	RESIDENTIAL CUSTOMERS.....	5
100.1	Definitions.....	5
100.2	Application for Service as Residential Customers.....	6
100.3	USTRA Tenant Rights.....	10
100.4	Shut off of Utility Service.....	11
100.5	Notice of Shut off.....	11
100.6	Shut-Off Notice Schedule.....	12
100.7	Administrative Hearings.....	13
100.8	Rights Pending Final Decision.....	15
100.9	Payment Agreements.....	17
100.10	Medical Emergency Procedures.....	21
100.11	Procedure at Shut Off.....	21
100.12	Restoration of Service.....	22
100.13	Posting of Authorized User Rights.....	23
100.14	Modifications.....	24
101.0	COMMERCIAL CUSTOMERS.....	24
101.1	Definitions.....	24
101.2	Application for Service.....	25
101.3	Shutoff of Service.....	27
101.4	Notice of Shutoff.....	27
101.5	Shut-Off Notice Schedule.....	28
101.6	Hearings.....	29
101.7	Rights Pending Final Decision.....	29
101.8	Payment Agreements.....	30
101.9	Procedure at Shutoff.....	31
101.10	Restoration of Service.....	31
<b>CHAPTER 2</b>	<b>ASSISTANCE PROGRAMS.....</b>	<b>32</b>
200.0	HOMEOWNER EMERGENCY LOAN PROGRAM.....	32
200.1	Purpose.....	32
200.2	Eligibility.....	32
200.3	Loan Amounts and Payment Responsibilities.....	33
200.4	Delinquencies.....	33

400.1	Water Connection Pipe .....	49
400.2	Ferrule Connection Pipe .....	49
400.3	Valve Connection Pipe .....	50
400.4	General Requirements.....	50
400.5	Water Service Connections to Property Owners Served by a Privately Owned Water Infrastructure .....	50
401.0	WATER METERING REQUIREMENTS.....	51
401.1	General Provisions.....	51
401.2	City Water Metering .....	51
401.3	Property Owner.....	51
401.4	Illegal Conditions.....	53
401.5	Metering by Property Owner .....	53
401.6	Non-compliant Conditions.....	54
401.7	Backflow Prevention.....	54
401.8	Noncompliance .....	54
402.0	USE OF FIRE HYDRANTS .....	55
402.1	Charities .....	55
402.2	Revocation .....	55
403.0	BACKFLOW PROTECTION .....	55
403.1	Backflow Protection Assembly Requirements .....	55
403.2	Backflow Protection Technician Requirements.....	56
404.0	RESIDENTIAL FIRE SPRINKLER SYSTEMS (RFSS).....	58

**CHAPTER 5 SEWER & WASTEWATER CONTROL..... 60**

500.0	CROSS CONNECTED SEWER LATERALS.....	60
500.1	Definitions.....	60
500.2	General Policy.....	60
500.3	Investigation of Cross Connections .....	60
500.4	Abatement of Cross Connections.....	60
500.5	Investigation of Internal Crosses .....	60
500.6	Abatement of Internal Crosses.....	60
501.0	WASTEWATER CONTROL.....	61
501.1	Purpose and Policy.....	61
501.2	Definitions.....	62
501.3	General Discharge Prohibitions .....	68
501.4	General Pretreatment Regulations and National Categorical Pretreatment Standards.....	71
501.5	Specific Pollutant Limitations.....	71
501.6	State Requirements .....	72
501.7	Accidental Discharges .....	72
501.8	Fees .....	74
501.9	Civil Penalty Assessment Policy .....	74
502.0	WASTEWATER DISCHARGE PERMITS.....	85
502.1	Wastewater Discharge Permits Types .....	85
502.2	Wastewater Discharge Permit Administration.....	85
502.3	Sampling and Analysis Requirements .....	88
502.4	Reporting Requirements .....	89

**CHAPTER 5  
SEWER & WASTEWATER CONTROL**

**500.0 CROSS CONNECTED SEWER  
LATERALS**

**500.1 Definitions**

(a) City shall mean the City of Philadelphia acting through its Water Department (Department) or other City departments.

(b) Cross Connection shall mean a connection of sewer lateral(s) to the sewer main(s) such that a Dye Test, as herein defined, has demonstrated that flow in the sanitary sewer lateral discharges only to the City's municipal separate storm sewer system.

(c) Dye Test shall mean a test utilizing water-soluble dyes conducted by the City for the purpose of investigating the discharge of sewage into the municipal separate storm sewer system.

(d) Internal Cross shall mean the connection of particular plumbing fixture(s) within the property such that a Dye Test, as herein defined, has demonstrated that the flow from these particular plumbing fixture(s) within the property discharges to the municipal separate storm sewer system while flow from the other plumbing fixture(s) within the property discharges to the sanitary sewer.

**500.2 General Policy**

Cross Connections and Internal Crosses result in the discharge of untreated sewage into rivers and streams. Cross Connections and Internal Crosses are public nuisances and are prohibited by the Philadelphia Code, the Pennsylvania Clean Streams Law and the federal Clean Water Act. The investigation of Cross Connections and Internal Crosses is necessary for the health and safety of the public. The hindrance of

Cross Connection investigations or Internal Cross investigations is prohibited. Cross Connections or Internal Crosses that are identified must be promptly abated.

**500.3 Investigation of Cross Connections**

As a condition of water and sewer service, the City shall be permitted access to all properties for the purpose of conducting Dye Tests and other investigations to identify Cross Connections.

**500.4 Abatement of Cross Connections**

(a) When a Cross Connection has been identified by a Dye Test, the Department shall notify the property owner, and the Department shall arrange for and bear the cost of the abatement of the Cross Connection.

(b) The property owner and any other occupant shall cooperate with the Department to abate the Cross Connection.

(1) The property owner and any other occupant shall provide the City, its agents or contractors with access to the property for testing, developing work orders, plumbing repair, inspections and other necessary or desirable work.

(2) Failure to comply with this Section may result in the suspension of water service and/or imposition of other penalties established by law.

**500.5 Investigation of Internal Crosses**

As a condition of water and sewer service, the City shall be permitted access to all properties for the purpose of conducting Dye Tests and other investigations to identify Internal Crosses.

**500.6 Abatement of Internal Crosses**

(a) Except as provided in Section 500.6(e) of these Regulations, when an Internal Cross

has been identified at a property, the property owner shall arrange and bear the cost of the abatement of the Internal Cross.

(b) Internal Crosses shall be abated within thirty (30) days from the date of notification by the City, or such shorter period as determined necessary by the City to protect public health and safety or the environment. The City's notification shall state the time period granted for abatement. Failure to promptly abate the Internal Cross may result in the suspension of water service and/or the imposition of other penalties established by law.

(c) The property owner and any other occupant shall provide the City, its agents or contractors with access to the property for testing, developing work orders, plumbing repair, inspections and other necessary or desirable work.

(d) Failure to comply with this Regulation may result in the suspension of water service and/or imposition of other penalties established by law.

(e) Subject to the availability of funds, the owner of a property where an Internal Cross has been identified may be eligible for the Water Department assistance program if that property owner can satisfy the conditions set forth in Sections 200.2(a)(c)(e) and (f), Section 200.3, and Section 200.4 of these Regulations.

#### **501.0 WASTEWATER CONTROL**

Whereas, the Philadelphia Home Rule Charter, Section 5-800 et seq. mandates that the Philadelphia Water Department operate the City of Philadelphia ("City") water supply and wastewater system; and

Whereas, the Philadelphia Water Department must ensure sound and safe operation of the City wastewater treatment

plants and sewer system ("Wastewater System"); and

Whereas, the Federal Clean Water Act requires that the City prevent the introduction of pollutants into the City Wastewater System which will interfere with the operation of the Wastewater System or contaminate the resulting sludge; and

Whereas, an objective of the Federal Clean Water Act requires that the City prevent the introduction of pollutants into the City Wastewater System, inadequately treated, into receiving waters or atmosphere or otherwise be incompatible with the Wastewater System; and

Whereas, an objective of the Federal Clean Water Act is to improve the opportunity to recycle and reclaim wastewater and sludge from the Wastewater System.

Now therefore, the City of Philadelphia Water Department promulgates these Wastewater Control Regulations ("Regulations").

#### **501.1 Purpose and Policy**

The purposes of these Regulations are:

(a) To set forth uniform requirements for direct and indirect contributors to the City Wastewater System owned and operated by the City of Philadelphia and to enable the City to comply with all applicable state and federal laws required by the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403) and the National Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N).

(b) To prevent the introduction of pollutants into the City Wastewater System which will:

(1) interfere with the operation of the Wastewater System;

(2) contaminate the resulting sludge;

(3) cause the Wastewater System to violate its National Pollutant Discharge Elimination System ("NPDES") discharge permit;

(4) pass through the Wastewater System, inadequately treated, into receiving waters or the atmosphere; or

(5) be otherwise incompatible with the Wastewater System.

(c) To improve the opportunity to recycle and reclaim wastewaters and sludges from the Wastewater System. These Regulations provide for the regulation of direct and indirect contributors to the City Wastewater System through the issuance of permits to certain non-domestic users and Industrial Users and through enforcement of general requirements for other Users: the Regulations authorize monitoring and enforcement activities and require User reporting and compliance schedule submissions.

### 501.2 Definitions

Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Regulations, shall have the following meanings:

(a) Act or "the Act" or Clean Water Act: Federal Water Pollution Control Act, as amended by the Federal Water Pollution Control Act Amendments of 1972, the Clean Water Act of 1977 and the Water Quality Act of 1987, and any subsequent amendments thereto.

(b) Approval Authority: The Director in an NPDES state with an approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES state or NPDES state without an Approved State Pretreatment Program.

(c) Authorized Representative of Industrial User:

(1) In the case of a corporation, a president, secretary, treasurer or vice president of the corporation who is in charge of a principal business function;

(2) In the case of a partnership or proprietorship, a general partner or proprietor; and

(3) A duly authorized representative of the individual designated above if:

(A) such representative is responsible for the overall operation of the facilities from which the indirect discharge into the Publicly Owned Treatment Works ("POTW") originates;

(B) the authorization is in writing; and

(C) the written authorization is submitted to the City.

(d) Best Management Practices or BMPs: Management practices that are implemented to comply with any Pretreatment Standard or Requirement. Such activities include, but are not limited to, schedules of activities, prohibitions of practices, and maintenance procedures.

(e) Biochemical Oxygen Demand or BODs: The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at 20 degrees Celsius expressed in terms of concentration (milligrams per liter (mg/l)).

(f) Building Sewer: A private sewer conveying wastewater from the premises of a User to the City Wastewater System.

(g) Bypass: The intentional diversion of wastestreams from any portion of an Industrial User's pretreatment facility.

(h) Categorical Standards: National Categorical Pretreatment Standards.

(i) City: The City of Philadelphia, including, but not limited to, the Philadelphia Water Department.

(j) Collector System: All piping leading to a treatment plant, including those pipes connected to a combined sewer overflow that lead directly to a receiving stream.

(k) Commissioner: The Water Commissioner of the City of Philadelphia or his designee.

(l) Commonwealth: The Commonwealth of Pennsylvania.

(m) Composite Sample: A series of samples based on time (time-proportioned) or flow (flow-proportioned), taken over a given period of time and combined in a single reservoir to determine pollutant level(s).

(n) Cooling Water: The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat and which does not contain a level of contaminants detectably higher than that of the source of the water.

(o) Daily Maximum: The maximum allowable discharge of a pollutant during a calendar day or other twenty-four (24) hour period as allowed by the POTW. Where maximum limitations are expressed in units of mass, the daily discharge is the total mass discharged over the course of a day. Where daily maximum limitations are expressed in terms of concentration, the daily discharge is the arithmetic average of all measurements taken that day.

(p) Direct Discharge: The discharge of treated or untreated wastewater directly to the waters of the Commonwealth which may occur through the City's stormwater conduits or combined sewer outfall structures.

(q) Effluent Data: For any user discharging wastewater to the City's sewer system, effluent data shall mean:

(1) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of any pollutant which has been discharged by the source (or of any pollutant resulting from any discharge from the source), or any combination of the foregoing;

(2) Information necessary to determine the identity, amount, frequency, concentration, temperature, or other characteristics (to the extent related to water quality) of the pollutants which, under an applicable standard or limitation, the source was authorized to discharge (including, to the extent necessary for such purpose, a description of the manner or rate of operation of the source); and

(3) A general description of the location and/or nature of the source to the extent necessary to identify the source and to distinguish it from other sources (including, to the extent necessary for such purposes, a description of the device, installation, or operation constituting the source).

(r) Environmental Protection Agency or EPA: The United States 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.

(s) Grab Sample: A sample which is taken from a wastestream on a one-time basis, in fifteen (15) minutes or less, and with no regard to the volume of flow of the wastestream.

(t) Holding Tank Waste: Any waste from holding tanks such as vessels, chemical

toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

(u) Indirect Discharge: The discharge or the introduction of pollutants, including Holding Tank Waste, into the POTW.

(v) Industrial User or User: Any person that introduces or has the potential to introduce an Indirect Discharge regulated under the Act, State or local law, to the POTW.

(w) Interference: A discharge which, alone or in conjunction with a discharge or discharges from other sources:

(1) inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and

(2) 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) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.

(3) In addition, Interference shall mean any of the following:

(A) the introduction of pollutants into the POTW which alone or in conjunction with other discharges, inhibits or disrupts the process, operations or maintenance of the POTW, or causes an evacuation of any POTW personnel,

whether or not it causes or contributes to a violation of the City's NPDES Permit; or

(B) the introduction of pollutants, either alone or in conjunction with other discharges, which when reaching the Treatment Plant, inhibits, disrupts or limits the Solid Waste Byproducts disposal options available to the POTW, whether or not it causes or contributes to a violation of Section 405 of the Act, the Solid Waste Disposal Act or any other law or regulation regulating Solid Waste Byproducts; or

(C) the introduction of pollutants into the City's Collector System, which alone or in conjunction with other discharges, inhibits, disrupts or adversely affects the operations or maintenance of the Collector System.

(x) Monthly Average: The arithmetic mean of the daily values for effluent samples collected over a calendar month.

(y) National Categorical Pretreatment Standards: Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 USC 1317) which applies to a specific category of Industrial Users and Pretreatment Standards as published in 40 CFR Chapter I, Sub Chapter N.

(z) National Pollutant Discharge Elimination System or NPDES Permit: A permit issued pursuant to Section 402 of the Act (33 USC 1342).

(aa) National Prohibitive Discharge Standard or Prohibitive Discharge Standard: Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR Part 403.5.

(bb) 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.

(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 501.2(bb)(1)(B) or Section 501.2(bb)(1)(C), but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined in Section 501.2(bb)(1) and Section 501(bb)(2) has commenced if the owner or operator has either:

(A) begun or caused to begin as part of a continuous onsite 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.

(B) or 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.

(cc) Non-Domestic Users: Commercial, industrial or municipal users who discharge to the POTW.

(dd) Pass Through: A discharge which exits the POTW to the receiving stream or its atmosphere in quantities or concentrations which alone or in conjunction with other discharges is a cause of a violation of any requirement of the City's NPDES permit or a violation of any air emission standard set by the Clean Air Act, State or local rules and regulations governing emissions to the air (including an increase in the magnitude or duration of a violation).

(ee) Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

(ff) pH: The negative logarithm (base 10) of the concentration of hydrogen ions expressed in moles per liter of solution.

(gg) Pollution: The man-made or man-induced alteration of the chemical, physical, biological, and/or radiological integrity of water.

(hh) Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, industrial, municipal, and agricultural waste or any other contaminant discharged into water.

(ii) 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, elimination or alteration can be obtained by physical, chemical or biological processes, process changes, or other means, except as prohibited by Section 501.3(b)(20)(G).

(jj) Process Wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

(kk) Pretreatment Standards or Requirements: Any substantive or procedural requirement related to pretreatment, including, but not limited to, those requirements found in the Clean Water Act, the General Pretreatment Regulations (40 CFR Part 403), the National Categorical Pretreatment Standards, the Resource Conservation and Recovery Act (42 USC 6901 et seq.), the Solid Waste Management Act (35 P.S. 6018.101 et seq.) as they relate to the proper disposal of pretreatment sludges, these Regulations and any order issued under these Regulations, the Industrial User's Wastewater Discharge

Permit and any other federal, state or local law or regulation which regulates discharges to the POTW.

(ll) Publicly Owned Treatment Works or POTW: A treatment works as defined by Section 212 of the Act (33 USC 1292) which is owned by the City including any devices and systems used in the storage, treatment, recycling or reclamation of municipal sewage and industrial waste. This definition includes any sewers that convey wastewater to the POTW Treatment Plant, but does not include pipes, sewers or other conveyances not connected to a facility providing treatment. For the purposes of this regulation, "POTW" shall also include any sewers that convey wastewater to the POTW from persons outside the City who are, by contract or agreement with the City, users of the City's POTW.

(mm) POTW Treatment Plant or Treatment Plant: That portion of the POTW designed to provide treatment to wastewater.

(nn) Shall is mandatory; May is permissive.

(oo) Significant Industrial User: The term Significant Industrial User shall mean the following:

(1) any Industrial User subject to any National Categorical Pretreatment Standard; or

(2) any Industrial User that discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, non-contact cooling and boiler blowdown wastewater) or contributes a process wastestream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or

(3) any Industrial User that is found by the City, DEP or EPA to have a reasonable potential, either alone or in

conjunction with other discharges, to adversely affect the POTW, the Collector System, the Solid Waste Byproducts of the POTW, or air emissions from the POTW.

(pp) Solid Waste Byproducts: Materials related to POTW operations which include, but are not limited to, grit, scum, screenings, incinerator ash, sludge and dredge spoils.

(qq) Spill or Slug Discharge: Any discharge of a non-routine, episodic nature, including, but not limited to, an accidental spill or non-customary batch discharge, or any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards found in Section 501.3, Section 501.4 and Section 501.5 of these Regulations.

(rr) State: The Commonwealth of Pennsylvania.

(ss) 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, as amended.

(tt) Stormwater: Any flow occurring during or following any form of natural precipitation and resulting therefrom.

(uu) 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, expressed in terms of concentration (milligrams per liter (mg/l)).

(vv) Toxic Pollutant: Any pollutant or combination of pollutants listed as toxic pursuant to Pennsylvania Statutes and Rules, Section 307(a) of the Act or other Federal statutes.

(ww) Wastewater: The liquid and water-borne wastes from dwellings, commercial

buildings, industrial facilities, utility structures, institutions and construction sites, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated.

(xx) Waters of the Commonwealth: All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.

(yy) Wastewater Discharge Permit or Permit: As set forth in Section 502.1 of these Regulations.

(zz) Abbreviations --The following abbreviations shall have the designated meanings:

(1) BOD<sub>5</sub>: Five-day Biochemical Oxygen Demand

(2) BMP: Best Management Practice.

(3) CERCLA: Comprehensive Environmental Response, Compensation and Liability Act. (42 USC 9601 et seq., as amended)

(4) CFR: Code of Federal Regulations

(5) DEP: Pennsylvania Department of Environmental Protection

(6) EPA: United States Environmental Protection Agency

(7) l: Liter

(8) mg: Milligrams

(9) mg/l: Milligrams per liter

(10) NAICS: North American Industry Classification System

(11) NPDES: National Pollutant Discharge Elimination System

(12) POTW: Publicly Owned Treatment Works

(13) RCRA: Resource Conservation and Recovery Act

(14) SIC: Standard Industrial Classification

(15) SIU: Significant Industrial User

(16) SWDA: Solid Waste Disposal Act, 42 USC 6901 et seq.

(17) TSS: Total Suspended Solids

(18) USC: United States Code

### **501.3 General Discharge Prohibitions**

(a) No User shall contribute or cause to be contributed, directly or indirectly, to the POTW any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of the POTW whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

(b) No User shall contribute the following substances to any POTW:

(1) 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 or to the operation of the POTW. At no time shall the atmosphere in a private sewer leading to a POTW structure exceed 25% Lower Explosive Limit (LEL)

unless the User can demonstrate that such a discharge does not create at the point of discharge into the POTW or at any other point in the POTW a reading over 10% LEL as measured by an explosimeter. Prohibited materials include, but are not limited to, any substances which can create a fire or explosion hazard to the POTW;

(2) 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 (1/2") in any dimension, animal guts or tissues, paunch, manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes or any material which can be disposed of as trash;

(3) any wastewater having a pH less than 5.5 or higher than 12.0 as measured by a grab sample or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the POTW;

(A) No Industrial User measuring pH continuously at the point of discharge shall discharge wastes having a pH lower than 5.5 or higher than 12.0 at any time except for a period not to exceed a total of five (5) minutes in any one (1) hour period. In the event that a discharge of a pH lower than 5.5, or higher than 12.0 for a period exceeding five (5) minutes occurs, the Industrial User must demonstrate that the pH will not exceed the range of 5.5 to 10.0 at a down stream point designated by the City. In no case may the Industrial User's discharge contain a pH less than 5.0 at the point of discharge into the POTW.

(B) In the event that the influent wastewater flow arriving at a Treatment Plant is outside the pH range of 6.5 to 8.5, the City may limit the Industrial Users to that Treatment Plant to a pH range of 6.0 to 9.0, upon oral or written notice, for as long as the City deems necessary.

(4) any wastewater containing pollutants which may, either singly or by interaction with other pollutants:

(A) injure, adversely affect or interfere with any wastewater treatment process; or

(B) constitute a hazard to humans or other biota, or may create an adverse effect in the receiving waters of the POTW, as determined through biomonitoring conducted on the POTW's effluent or through in-stream monitoring; or

(C) violate any provision of the Federal Clean Air Act (42 USC 7401 et seq.) as amended, or local air quality regulations;

(5) 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 hazard to life or may result in toxic gases, vapor or fumes or are sufficient to prevent entry into the POTW for maintenance and repair without respiratory protection or other personal safety equipment;

(6) any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, 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 City to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, nor any criteria, guidelines, or regulations

affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management methods being used by City;

(7) any substance which will cause the City to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards;

(8) any wastewater with objectionable color not removed in the treatment process, including, but not limited to, dye wastes and vegetable tanning solutions;

(9) 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 60°C (140°F) or which shall cause the wastewater entering the POTW Treatment Plant to exceed 40°C (104°F);

(10) any pollutants, including oxygen demanding pollutants and suspended solids released at a flow rate and/or pollutant concentration which a User knows or has reason to know will cause Interference or Pass Through to the POTW. In no case shall a slug load have a flow rate or contain concentrations or quantities of pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour permitted concentration, quantities, or flow during normal operation;

(11) any wastewater containing any radioactive wastes or isotopes of such half life or concentrations as may exceed limits established by the City in compliance with applicable State or Federal regulations;

(12) any wastewater which causes a hazard to human life or creates a public nuisance;

(13) any wastewater containing motor oils or lubricants removed from vehicles or other machinery;

(14) any wastewater containing substances which may solidify or become viscous at temperatures between 0° C (32° F) and 65 °C (149°F);

(15) any wastewater containing in excess of 100 mg/l of fats, oils and greases of mineral, petroleum or unknown origin at any time as shown by grab sample;

(A) Wastewaters discharged to the POTW shall contain no floatable or non-mulsified fats, oils and greases of animal or vegetable origin. Specific numerical limits for these pollutants may be placed in an Industrial User's Wastewater Discharge Permit if found by the City to be necessary. Wastewater shall in no case contain concentrations of these pollutants high enough to cause Interference or Pass Through. The limits for both fats, oils and greases of mineral, petroleum or unknown origin and of animal or vegetable origin may be reduced by the City without amending these Regulations where the existing limits cause adverse impacts to the Collector System and/or POTW.

(16) any sludges from septage or holding tanks without prior written approval of the City;

(17) any wastewater which because of its chemical nature or composition causes the sewer atmosphere to contain airborne chemical concentrations in excess of concentrations established by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR Part 1910, regardless of duration of exposure experienced by any individual,

whether a City or contractor's employee, unless written authorization is granted by the Commissioner;

(18) wastewater which may create a fire or explosive hazard in the POTW, including, but not limited to, wastewater with a closed-cup flashpoint of less than 60°C (140 °F) using the test methods specified in 40 CFR 261.21; or

(19) any wastewater which, alone or in conjunction with any other discharges, causes foam anywhere in the Treatment Plant or its effluent.

(20) In addition, the following activities are prohibited:

(A) No person shall discharge wastewater, pollutants, chemicals or any other substance or contaminant into street inlets or through sewer manholes without the prior written approval of the City.

(B) No person who generates wastewater at one property shall discharge it at another property without prior written approval from the City.

(C) No person shall discharge wastewater in quantities or at rates of flow which may have an adverse or harmful effect on or overload the City's sewer system or Treatment Plants or cause excessive or additional treatment costs or render inaccurate or interfere with the function of sewer metering devices.

(D) No person shall discharge a wastewater flow contributing greater than 2,500 pounds per day of five (5) day biochemical oxygen demand, or contributing greater than 1,750 pounds per day of suspended solids or having a volume in excess of three (3) million gallons per day without prior written approval of the City.

(E) No person shall store or handle any material, including hazardous substances defined by CERCLA, in any area draining to the City Wastewater System, because discharge or leakage from such storage or handling may create an explosion hazard in the sewer system or Treatment Plants or may constitute a hazard to human beings or animals or the receiving stream, or may in some other way have a deleterious effect upon the Treatment Plants. Such storage or handling shall be subject to review by the City, and shall require a spill control plan with reasonable safeguards to prevent discharge or leakage of such materials into the sewers.

(F) Industrial Users processing regulated wastestreams through their pretreatment facilities shall not bypass such pretreatment facilities unless they notify the City in writing and obtain prior written approval from the City.

(G) No person shall increase the use of potable water, groundwater, rainwater, river water or process water or in anyway attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with any Pretreatment Standards or Requirements.

**501.4 General Pretreatment Regulations and National Categorical Pretreatment Standards:**

All users shall comply with all provisions contained in the General Pretreatment Regulations (40 CFR Part 403) as amended, and if applicable, National Categorical Pretreatment Standards (40 CFR Chapter I, Subchapter N) as amended. Any limitations imposed under the General Pretreatment Regulations or the National Categorical Pretreatment Standards which are more stringent than the limitations in these Regulations shall supersede the limitations imposed under these Regulations.

(a) Modification of Federal Categorical Pretreatment Standards: Where the City’s Wastewater System achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the City may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards of an Industrial User or a whole category.

**501.5 Specific Pollutant Limitations**

(a) No person shall discharge the following substances in excess of the concentrations, in milligrams per liter, (mg/l), as expressed below:

<u>Substance</u>	<u>Daily Maximum</u>	<u>Monthly Average</u>
arsenic	0.15	0.10
cadmium	0.2	0.1
chromium (total)	7.0	4.0
copper	4.5	2.7
cyanide (total)	10.0	
lead	0.69	0.43
mercury	0.01	0.005
nickel	4.1	2.6
selenium	0.2	0.1
silver	0.43	0.24
zinc	4.2	2.6

(b) No person shall discharge any of the substances listed below to the POTW without obtaining prior written approval of the City.

Acrylonitrile  
Aldrin  
Alpha BHC  
Aluminum  
Benzene  
Benzo (a) pyrene  
Benzotrichloride  
Beryllium  
Bis(2-ethylhexyl)phthalate (DEHP)  
Bromobenzene  
Bromodichloromethane  
Bromoform  
Carbon tetrachloride  
Chlordane  
Chlorobenzene  
Chlorodibromomethane  
Chloroethane  
Chloroform  
2-Chlorophenol  
Cumene (Isopropylbenzene)  
DDT/DDE/DDD  
Dibutylphthalate  
Dichlorobromomethane  
bis (2-chloroethyl) ether  
Dieldrin  
Dioxins  
Dimethyl Sulfoxide (DMSO)  
Dimethylnitrosamine  
Ethylbenzene  
Heptachlor  
Hexachlorobutadiene  
Hexachlorobenzene  
Iron  
Lindane  
Dichlorobenzene  
Methyl chloride (Chloromethane)  
Methyl Ethyl Ketone  
Methyl Isobutyl Ketone  
Molybdenum  
Xylenes  
o-Chlorotoluene  
o-Dichlorobenzene  
p-Dichlorobenzene

p-Chlorotoluene  
Phenanthrene  
Phenols  
Pyrene  
Styrene  
Tetrachloroethylene (Perchloroethylene)  
Titanium  
Toluene  
Toxaphene (chlorinated camphene)  
Trichloroethylene  
Vinyl chloride  
Tetrachloroethane  
1,1,2-Trichloroethane  
Dichloroethane  
1,1-Dichloroethylene  
1,1-Dichloropropene  
trans-1,2-Dichloroethylene  
1,2,3-Trichloropropane  
cis-1,2-Dichloroethylene  
1,2-Dibromo-3-Chloropropane  
1,2-Dichloropropane  
1,3-Dichloropropane  
1,3-Dichloropropene  
2,2-Dichloropropane  
2,4-Dinitrophenol  
2,4-Dinitrotoluene  
3,3-Dichlorobenzidene  
Volatile Organic Sulfides

(c) The City reserves the right to modify this list of materials prohibited from entering the POTW.

(d) Polychlorinated Biphenyls (PCBs): The PCB content of waste shall be non-detectable by EPA method 608.

#### **501.6 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 these Regulations.

#### **501.7 Accidental Discharges**

(a) Spill and Slug Discharge Prevention Plan: Each Significant Industrial User shall

provide protection from accidental discharge of prohibited materials or other substances which may interfere with the POTW by developing a Spill and Slug Discharge Prevention Plan. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. The Spill and Slug Discharge Plan shall contain, at a minimum, the following:

- (1) description of discharge practices, including routine and non-routine batch discharges;
- (2) description of stored chemicals;
- (3) procedures for promptly notifying the City of spills or slug discharges, with procedures for follow-up written notification within five (5) working days;
- (4) any necessary procedures to prevent accidental spills and slug discharges, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff and worker training;
- (5) any necessary measures for building containment structures or equipment;
- (6) any necessary measures to assure the integrity of storage;
- (7) any necessary measures for controlling toxic organic pollutants (including solvents);
- (8) any necessary procedures and equipment for emergency response; and

(9) any necessary follow-up practices to limit the damage suffered by the POTW or the environment.

(b) All existing Users shall complete such a plan within three (3) months of notice to do so by the City. No User who commences a new discharge to the POTW after the effective date of these Regulations shall be permitted to introduce pollutants into the Wastewater System until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the User's facility as necessary to meet the requirements of these Regulations.

(c) Notification: In the case of an accidental discharge, it is the responsibility of the User to immediately notify the City of the incident by telephone. The notification shall include date, time and location of discharge, type of waste including concentration and volume, duration of discharge, and any corrective actions taken by the User.

(d) Written Notice: Within five (5) business days, unless a different period is prescribed by the City, following an accidental discharge, the User shall submit to the City a detailed written report describing the cause of the discharge and the measures that will be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by these Regulations or other applicable law.

(e) Notice to Employees: A notice shall be permanently posted on the User's bulletin board(s) or other prominent places advising employees whom to call in the event of a dangerous discharge. Employers shall advise

all employees who may cause or be injured by such a discharge of the emergency notification procedure.

### **501.8 Fees**

(a) Purpose: It is the purpose of this Section to provide for the recovery of costs from the Users of the City's Wastewater System for the implementation of the program established herein.

(b) Charges and Fees

(1) All Industrial Users applying for or issued a permit after the promulgation of these Regulations shall pay a fee of One Thousand Nine Hundred Sixty Dollars (\$1,960.00) per permit application.

(2) The City may adopt charges and fees which may include:

(A) fees for reimbursement of costs of setting up and operating the City's Pretreatment Program;

(B) fees for monitoring, inspections and surveillance procedures;

(C) fees for reviewing accidental discharge procedures and construction; and

(D) other fees as the City may deem necessary to carry out the requirements contained herein.

(3) These fees relate solely to the matters covered by these Regulations are separate from all other fees chargeable by the City. The City reserves the right to change the fees set forth herein.

### **501.9 Civil Penalty Assessment Policy**

(a) Purpose: The purpose of this section is to enact a civil penalty assessment policy pursuant to the Publicly Owned Treatment Works Penalty Law, Act No.1992-9.

(b) Scope: The POTW Penalty Law allows the City, as the owner and operator of publicly owned treatment works with an approved pretreatment program, to assess civil penalties of up to Twenty-Five Thousand Dollars (\$25,000) per violation of any Pretreatment Standards or Requirements per day. Each term, condition or parameter violated shall constitute a separate and distinct offense. Each day on which a violation occurs or continues to occur shall constitute a separate and distinct offense. In developing this Civil Penalty Assessment Policy, the City considered the following factors:

(1) the damage to air, water, land or other natural resources of this City and Commonwealth and their uses;

(2) cost of restoration and abatement;

(3) savings resulting to the person in consequence of the violation;

(4) history of past violations;

(5) deterrence of future violations;

(6) harm and/or potential harm to the POTW and/or its employees;

(7) whether the violation resulted or could have resulted in the City violating its NPDES Permit; and

(8) whether the violation resulted or could have resulted in the City violating any law or regulation affecting its sludge disposal options.

(c) Mandatory Civil Penalties: Civil Penalties shall be assessed against any Industrial User in significant noncompliance ("SNC") with any Pretreatment Standards or Requirements. The amount of the civil penalty shall be calculated in accordance with Sections 501.9(f), (g), and (h) of these Regulations. An Industrial User is in

significant noncompliance if it meets one or more of the following criteria.

(1) If 33% or more of all samples taken for any single parameter during a six month period demonstrate exceedances of any numeric Pretreatment Standard or Requirement, including the daily maximum effluent limitation, the monthly average limitation, and any instantaneous limits, as defined by any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the Act, which applies to Industrial Users. This term includes prohibitive discharge limits established pursuant to Section 501.5.

(2) Monitoring for any parameter less than 100% of the total sampling events required by the Permit.

(3) Discharging without the required Permit under these Regulations.

(4) Violation of any Pretreatment Standard or Requirement that the City determines has caused, either alone or in combination with any other discharges, interference or pass through (including endangering the health of POTW personnel or the general public).

(5) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or the environment or has resulted in the City's exercise of its emergency authority.

(6) Violation by forty-five (45) days or more of the scheduled date of compliance with milestones for starting construction, completing construction, attaining final compliance or any other milestone event described in any compliance schedule.

(7) Failure to provide any required reports such as Baseline Monitoring Reports, 90 Day Compliance Reports,

Periodic Compliance Reports, Spill or Slug Discharge Reports, Responses to Notices of Violation or Notices of Significant Non Compliance, Compliance Schedule Reports, Pretreatment Facilities Report or any other Report required by law or Permit within thirty (30) days after the report's due date.

(8) Failure to report noncompliance accurately.

(9) Violation of any Best Management Practice requirements or any other violation or group of violations that:

(A) adversely affects the operation or implementation of the local pretreatment program; or

(B) either alone or in conjunction with any other discharge causes harm to the POTW.

(d) Discretionary Civil Penalties: Civil Penalties are discretionary where an Industrial User's violation(s) of the Pretreatment Standards or Requirements do not constitute significant noncompliance as defined in Section 501.9(c) of these Regulations. In exercising its discretion as to whether to assess civil penalties for these violations, the City shall consider the following factors:

(1) Compliance History

The City shall examine the Industrial User's compliance history for the specific term or condition now being violated as well as the Industrial User's compliance history with all other Pretreatment Standards or Requirements.

(2) Reasons for noncompliance.

(3) Magnitude of violation.

(4) Good faith compliance efforts.

Good faith compliance efforts consist of the following actions:

(A) whether the Industrial User properly notified the City of the violation;

(B) whether the Industrial User responded to the Notice of Violation within fifteen (15) days as required in the Notice;

(C) the corrective actions the Industrial User has taken or will take to ensure a return to compliance; and

(D) the timeliness of these corrective actions.

(e) Where it is determined that a civil penalty should be levied under this Section, the amount of the civil penalty shall be calculated in accordance with Sections 501.9(f), (g), and (h).

(f) Civil Penalty

The calculation of the civil penalty which shall be assessed shall be in conformity with this Section and Sections 501.9(g) and 501.9(h) of these Regulations.

In this Section, violations of Pretreatment Standards or Requirements are contained in Column I of the Civil Penalty Grid. (See note 1, immediately after the Grid, for further explanation.) Once the specific type of violation has been identified in the Civil Penalty Grid, the appropriate range of civil penalties for the violation is selected from either: Column II, III or IV. (See notes 2, 3 and 4, for further explanation on the selection of civil penalty ranges.) Once the range of fines is selected, the precise civil penalty within that range is determined by considering the factors enumerated in Column V. (See note 5 for further explanation in applying the selection factors.) Finally, there are two exceptions to the general rules in using this Civil Penalty Grid. (See note 6 for further explanation.)

### CIVIL PENALTY GRID

Column I	Column II	Column III	Column IV	Column V
Violations <sup>1</sup>	Non-SNC or First SNC Notification <sup>2</sup>	Second Consecutive SNC Notification <sup>3</sup>	Third Consecutive SNC Notification or Causes or Contributes to Pass Through or Interference <sup>4</sup>	Selection Factors <sup>5</sup>
1. Daily, Hourly or Instantaneous Effluent Limits or Best Management Practices	\$300 – \$5,000	\$5,000 – 15,000	\$15,000 - \$25,000	B, A, C, D
2. Monthly Average Effluent Limits	\$300 - \$9,000	\$3,000 - \$12,000	\$12,000 - \$25,000	B, A, C, D
3. Self-Monitoring (sampling)	\$300 – \$5,000	\$5,000 - \$15,000	\$15,000 - \$25,000	B, D, C.
4. Reporting	\$300 - \$1,000	\$1,000 - \$5,000	\$5,000 – \$25,000	B, D, C
5. Incomplete Reporting	\$300 – \$5,000	Not Applicable (N/A)	N/A	B, E, D
6. Intentional Falsification of Reports or Data or knowingly rendering any monitoring device or method inaccurate	\$25,000	N/A	N/A	N/A
7. Spills or Slug Discharges	\$300 - \$10,000	N/A	\$15,000 - \$25,000	B, A,C, D
8. Unauthorized Discharge	\$300 - \$10,000	N/A	\$10,000 - \$25,000	A, D
9. Compliance Schedule Completion Dates	\$300 - \$5,000	\$5,000 - \$15,000	\$15,000 – \$25,000	F, D
10. Dilution to Meet Effluent Limits	\$300 - \$25,000	N/A	N/A	B, D
11. Inadequate Record Keeping <sup>6</sup>	\$300 - \$5,000	\$5,000 - \$15,000	\$15,000 - \$25,000	B, D, E
12. Failure to Admit Authorized Personnel <sup>6</sup>	\$300 – \$10,000	\$10,000 - \$25,000	N/A	D, B

13. Failure to notify of any Substantial Change in Volume of Pollutants in Discharge (See 40 CFR 403.21(j))	\$300 - \$10,000	N/A	\$10,000 - \$25,000	B, A, C, D
14. Failure to Mitigate Noncompliance	\$300 - \$10,000	N/A	\$10,000 - \$25,000	A, B, C, D
15. Improper Disposal of Pretreatment sludges and spent chemicals	\$300 - \$10,000	N/A	\$10,000 - \$25,000	B, D
16. Unauthorized Bypass	\$300 - \$10,000	N/A	\$10,000 - \$25,000	C, A

Explanatory Notes to Civil Penalty Grid:

Note Number 1

Column I contains a list of sixteen categories of Pretreatment Standard or Requirement violations. These sixteen categories of violation should be all inclusive, covering all possible types of Pretreatment Standards or Requirement violations. If, however, a violation occurs which does not fall within one of the categories, then the civil penalty for that violation shall be assessed in accordance with the method used for assessing civil penalties for violation of daily or hourly effluent limits.

The sixteen categories of Pretreatment Standards or Requirements violations found in Column I are explained in greater detail immediately below:

1. Daily, Hourly or Instantaneous Effluent Limits or Best Management Practices: This category addresses violations of the effluent discharge limits for daily, hourly or instantaneous discharges or best management practices.

2. Monthly Average Effluent Limits: This category addresses violations of the monthly average effluent limits.

3. Self-Monitoring (sampling): Permitted Industrial Users must sample their effluent in accordance with the terms and conditions of their Wastewater Discharge Permits. Violations of these self-monitoring requirements are addressed in this category. Examples of these violations include, but are not limited to, the following:

a) failure to sample for any required parameters;

b) failure to follow proper sampling protocols;

c) failure to sample at the appropriate point; and

d) failure to sample as frequently as required in the Wastewater Discharge Permit.

4. Reporting: The Industrial User is subject to numerous reporting and notification requirements. Failure to provide any of these reports and notifications, or providing these reports and notifications in an untimely fashion, is addressed in this category. These reports and notifications include, but are not limited to, the following:

a) Baseline Monitoring Reports;

b) 90 Day Compliance Reports (40 CFR 403.12(d));

c) Periodic Compliance Reports;

d) Spill Plans;

e) Responses to Notices of Violations or Notices of Significant Non Compliance;

f) Surcharge Reports;

g) Reports required pursuant to any Compliance Schedule, Administrative Order or Consent Decree;

h) Notification of spill or slug discharge; Follow-up written report within five (5) days of spill or slug event;

i) Reporting sampling noncompliance within twenty-four (24) hours of becoming aware of violation; Reporting first sample result showing a return to compliance;

j) Application for Wastewater Discharge Permit or late application;

k) Hazardous Waste Notification pursuant to 40 CFR 403.12(p); and

l) Pretreatment Facilities Reports.

5. Incomplete Reporting:

In this category, reports and notifications are timely submitted but contain errors or omissions.

6. Intentional Falsification of Reports or Data or Knowingly Rendering Any Monitoring Device or Method Inaccurate:

In this category, where the Industrial User has intentionally falsified reports or data, the maximum penalty of \$25,000 per falsification will be assessed. Similarly, where the Industrial User knowingly renders any monitoring device or method inaccurate, this category requires that the maximum penalty be assessed.

7. Spills or Slug Discharges: A spill or slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch discharge.

Violations as the result of spills or slug discharges are addressed in this category.

8. Unauthorized Discharge:

This category includes three types of violations. First, where an Industrial User is required to have a Permit discharges pollutants without a Wastewater Discharge Permit. Second, where an already permitted Industrial User is discharging pollutants from a regulated process which has not been specifically approved by the City and controlled by the User's Wastewater Discharge Permit. (Please note that each pollutant discharged without a permit constitutes a separate and distinct offense.) Third, any discharge violating Section 501.3, Section 501.4 or Section 501.5 of these Regulations.

9. Compliance Schedule Completion Dates: In Administrative Orders and Consent Decrees there will often appear

compliance schedules for returning the Industrial User to compliance. This category addresses violations of the compliance schedule completion dates. (Please note that where the Administrative Orders or Consent Decrees contain stipulated penalties for violation of the compliance schedule dates, the stipulated penalties contained therein shall constitute the exclusive civil penalties available for these violations. Therefore, in these cases, the Civil Penalty Grid will not be used.)

10. Dilution to Meet Effluent Limits: This category addresses the situation where the Industrial User is using dilution to achieve compliance with any effluent limit.

11. Inadequate Record Keeping: This category includes any violations of the Pretreatment Standards or Requirements involving record keeping and storage.

12. Failure to Admit Authorized Personnel: This category involves an Industrial User's refusal to allow a City representative ready access to a facility for purposes of inspection, sampling, records examination and/or copying or for the performance of any other duty.

13. Failure to Notify of Any Substantial Change in the Volume or Character of Pollutants in Discharge: (See 40 CFR 403.12(j)). This category involves any violations resulting from the Industrial User's failure to comply with the advance notification of changed discharge requirements contained in 40 CFR 403.12(j).

14. Failure to Mitigate Non Compliance: An Industrial User has an obligation to mitigate its noncompliance. Violation of this obligation is addressed in this category.

15. Improper Disposal of Pretreatment Sludge and Spent Chemicals: Industrial Users must dispose of hazardous sludge and spent chemicals in accordance with all applicable laws including, but not limited to, the Clean Water Act and the Resource Conservation and Recovery Act.

16. Unauthorized Bypass:  
Industrial Users processing regulated wastestream through their pretreatment facilities are prohibited from bypassing such pretreatment facilities unless they notify the City in advance of any bypass and obtain the City's prior written approval authorizing such bypass.

Notes 2, 3, and 4

After the category of violation has been identified, there are several ranges of civil penalties which can be assessed for the violation. Notes 2, 3 and 4 define the appropriate range to be selected.

(a) Note 2 - COLUMN II

**NON-SNC or FIRST SNC NOTIFICATION**  
If the violation does not rise to the level of Significant Noncompliance (SNC) as defined in Section 501.9(c) of these Regulations, the appropriate fining range is therefore contained in Column II. If the violation does constitute SNC as defined in Section 501.9(c) or this is the first time that the Industrial User has been notified that it is in SNC for that specific standard or requirement, then the appropriate fining range is again contained in Column II.

(b) Note 3 - COLUMN III

**SECOND CONSECUTIVE SNC NOTIFICATION:** This range of civil penalties applies where the Industrial User has received a second Notice of Significant Noncompliance for the same

standard or requirement in two (2) consecutive six (6)-month periods.

Where a Notice of SNC is issued for any standard or requirement, and there was no Notice of SNC issued for the standard or requirement in the previous six-month period, the appropriate range reverts to Column II.

If as the result of the issuance of the first SNC Notice, the Industrial User has been issued an Administrative Consent Order or is subject to a Consent Decree, and stipulated penalties are contained therein, then the stipulated penalties shall be the exclusive method for assessing future civil penalties for as long as the stipulated penalty provision remains in effect.

(c) Note 4 - COLUMN IV

**THIRD CONSECUTIVE SNC NOTIFICATION OR CAUSES OR CONTRIBUTES TO PASS THROUGH OR INTERFERENCE:** This range of civil penalties applies in two situations. First, where the Industrial User has received a third consecutive notice of SNC for the same standard or requirement. Second, where the violation has caused or contributed to interference or pass through, as defined in Sections 501.2 (w) and (dd) of these Regulations. Again, where an Administrative Consent Order or Consent Decree provides for stipulated penalties, the stipulated penalties shall be the exclusive method for assessing future civil penalties for as long as the stipulated penalty provision remains in effect.

NOTE 5 -

Once the type of violation has been identified in Column I, and the appropriate range of civil penalties selected from Columns II, III and IV, the precise civil penalty within the appropriate range must be selected. Selection of the precise civil

penalty will be based on those Selection Factors appropriate for each type of violation which are found in Column V. The six selection factors are lettered A through F as follows:

- A. SEVERITY OF VIOLATION
- B. SPECIFIC COMPLIANCE HISTORY
- C. GENERAL COMPLIANCE HISTORY
- D. REASONS FOR VIOLATION
- E. COMPLETENESS
- F. CONSENT DECREE OR ADMINISTRATIVE ORDER

Most violations found in Column I contain numerous selection factors which must be considered in selecting the precise civil penalty. The selection factors appropriate for each violation are listed in their order of importance and weight which should be given each factor. The first factor listed should be given the greatest weight; the second factor the second greatest weight, etc. Although the relative weight given each factor is determined by its order of listing, the absolute weight has not been provided. This is because violations, and the circumstances surrounding and causing them, are too different and complex to be resolved in a mathematical formula. This can only be determined on a case by case basis.

Selection Factors A through F are explained in greater detail immediately below:

A. Severity of Violation:  
This factor considers the degree of severity of effluent violations in three different ways. First, the frequency of violation should be considered, Next, the level of exceedance should be considered. Finally, the violations should

be considered from total mass perspective.

B. Specific Compliance History: This factor considers whether and how often in the past the Industrial User has violated the parameter for which it is now being fined.

C. General Compliance History: This factor considers the Industrial User's present and past overall compliance with all Pretreatment Standards or Requirements.

D. Reasons for Violation: (self-explanatory)

E. Completeness: For the violation categories Incomplete Reporting and Inadequate Record Keeping, the level and/or degree of omissions and errors shall be considered.

F. Consent Decree or Administrative Order:  
For the violation category Compliance Schedule Completion Dates, the Industrial User's past and present history of compliance with the Decree or Administrative Order should be examined.

Finally, although addressed separately in Sections 501.9(g) and (h) of these Regulations, for all categories of violations, the economic benefit of noncompliance and any damages, costs and fines must be recovered in selecting the precise civil penalty within the appropriate range.

#### NOTE 6

For most violations, the appropriate range of penalties is selected by the criteria discussed in notes 2, 3 and 4. However, for the categories of Inadequate Record Keeping and Failure to Admit Authorized

Personnel, the appropriate ranges are selected differently.

For these categories, the civil penalty range moves from Column II to III if that Industrial User has ever in the past been cited for a violation in that category. The violations do not need to rise to the level of SNC nor do they need to occur in consecutive six (6) month periods.

Similarly, the civil penalty range moves to Column IV for these two categories of violations if the Industrial User has been cited twice or more, at any time in the past, for the same category of violation.

(g) Economic Benefit of Noncompliance

(1) In all cases, the civil penalty assessed shall exceed the economic benefit of noncompliance gained by the Industrial User as a result of not complying with the Pretreatment Standards or Requirements. The economic benefit of noncompliance is that amount of both capital and operating funds saved by the Industrial User by either failing or delaying to install and/or operate the necessary pretreatment to achieve compliance with all Pretreatment Standards or Requirements. The City may use the Guidance Manual for POTWs to Calculate the Economic Benefit of Noncompliance, U.S. Environmental Protection Agency, September 5, 1990, or any subsequent revision, to assist it in calculating the economic benefit of noncompliance.

(2) If a situation arises where the amount assessed under the Civil Penalty Grid in Section 501.9(f) of these Regulations fails to exceed the economic benefit of noncompliance, then the Civil Penalty Grid shall not be used to determine the civil penalty. Rather, the City shall set the civil penalty by first calculating the economic benefit of noncompliance. Next, the amount calculated to be the economic benefit of noncompliance shall be increased by anywhere from 10% to 100%. This increased amount shall constitute the civil penalty. (Simply assessing the economic benefit of noncompliance fails to penalize the Industrial User).

In determining the appropriate increase factor (anywhere from 10% to 100%) the City shall consider the severity of the violations, the reason for the violation and how quickly the Industrial User abates the violation.

(h) Recovery of Damages, Costs and Fines

(1) In all cases, the civil penalty shall, at a minimum, be set so that it fully compensates the City for any damage or injury to the POTW, its employees, the POTW's sludge or the environment. Any and all costs incurred by the City to correct or compensate for the damage or injury shall also be fully recovered in the civil penalty. Costs shall include, but not be limited to, attorney's fees, court costs, court reporter fees and other expenses associated with enforcement activities, as well as all sampling and monitoring expenses related to discovering, enforcing and maintaining the Industrial User's compliance. Where violation of the Pretreatment Standards or Requirements causes, either alone or in conjunction with a discharge or discharges from other sources, the City to violate any local, state or federal law or regulation, and the City is fined for this violation, the civil penalty assessed shall fully reimburse the City for the fine paid.

(2) If a situation arises where the amount assessed under the Civil Penalty Grid fails to fully compensate the City for all damages, costs and fines, then the Civil Penalty Grid shall not be used to determine the civil penalty. Rather, the City shall set the civil penalty by first calculating all damages, costs and fines to the City resulting from the violation. Next, this amount shall be increased by anywhere from 10% to 100%. This increased amount shall constitute the civil penalty.

(3) In determining the appropriate increase factor (anywhere from 10% to 100%) the City shall consider the extent and nature of the damage, its impact on the POTW, the reasons for the violation and how quickly the Industrial User corrects the damage.

(i) Civil Penalty Appeal

The Industrial User charged with the penalty shall have thirty (30) days to pay the proposed penalty in full, or, if the Industrial User wishes to contest either the amount of the penalty or the fact of the violation, the Industrial User must file an appeal, pursuant to the Philadelphia Home Rule Charter. Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

## **502.0 WASTEWATER DISCHARGE PERMITS**

### **502.1 Wastewater Discharge Permits Types**

(a) General Permits: Any Significant Industrial User proposing to connect to or contribute to the POTW shall obtain a Wastewater Discharge Permit before connecting to or contributing to the POTW. All existing Significant Industrial Users connected to or contributing to the POTW shall obtain a Wastewater Discharge Permit within 365 days after the effective date of these Regulations.

(b) No Discharge Permits: Any Significant Industrial User with no wastewater discharge from its regulated process(es) shall obtain a No Discharge Permit, as long as its facility is connected to or contributes to the POTW and has the potential to discharge wastewater from its regulated process(es).

(c) Trucked or Hauled Wastewater Permit: Any person trucking or hauling wastewater to the POTW must first obtain a septage discharge permit. The following prohibitions apply to all trucked or hauled wastewater:

(1) All wastes are to be discharged only at the designated location contained in the User's septage discharge permit.

(2) All loads are to be sampled and approved prior to discharge.

(3) Only sanitary septic wastes are to be discharged unless prior written approval is given.

(4) Sludges or grease trap wastes shall not be discharged.

(d) Groundwater Discharge Permit: Any non-domestic User discharging pumped-out groundwater to the City's sewer system must first obtain a Groundwater Discharge Permit.

(e) Manhole Pump-out Permit: Any non-domestic User discharging wastewater from underground structures to the City's sewer system must first obtain a manhole pump-out permit.

### **502.2 Wastewater Discharge Permit Administration**

(a) Permit Application: Users required to obtain a Wastewater Discharge Permit shall complete and file with the City a Baseline Monitoring Report or other report as may be required by the City. Existing Users shall apply for a Wastewater Discharge Permit within 30 days after the effective date of these Regulations, unless the City has previously issued such a permit which has not expired. New Users shall apply at least 90 days prior to connecting to or contributing to the POTW. The Baseline Monitoring Report shall contain the information required by Section 502.4(a).

(1) The City will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the City may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

(b) Promulgation of Additional National Categorical Pretreatment Standards: When additional and/or new National Categorical Pretreatment Standards are promulgated, any User subject to such additional or new Standards shall apply for a Wastewater Discharge Permit within 180 days of the promulgation of such Standard. In addition, any User with an existing Wastewater Discharge Permit shall submit to the City within 180 days of the promulgation of an applicable National Categorical Pretreatment Standard the information required by Sections 502.4(a)(7) and (8) of these Regulations.

(c) Permit Modifications: The City may modify any existing permit for any of the following reasons:

(1) to incorporate any new or revised federal, state or local Pretreatment Standards or Requirements;

(2) material or substantial alterations or additions to Industrial User's operation which were not covered in the effective permit;

(3) a change in any condition that requires either a temporary or permanent reduction or elimination of the permitted discharge;

(4) information indicating that the permitted discharge could in any manner adversely affect the POTW, personnel or receiving waters;

(5) violation of any terms or conditions of the Permit;

(6) obtaining the Permit by misrepresentation or failure to disclose fully all relevant facts; or

(7) upon request of the Industrial User, provided such request does not create

a violation of any existing applicable requirements, standards, laws or rules and regulations.

(d) Permit Conditions: Wastewater Discharge Permits shall be expressly subject to all provisions of these Regulations and all other applicable regulations, User charges and fees established by the City. Permits may contain the following:

(1) concentration and/or mass limits on the average and maximum wastewater constituents and characteristics;

(2) limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

(3) requirements for installation and maintenance of inspection and sampling facilities;

(4) specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;

(5) compliance schedules. The City may, at its discretion, issue interim effluent limits as part of a compliance schedule;

(6) requirements for submission of technical reports or discharge reports (see Section 502.4 of these Regulations);

(7) requirements for maintaining and retaining records relating to wastewater discharge as specified by the City, and affording City access thereto;

(8) requirements for implementation of and compliance with a spill prevention and slug control plan;

(9) requirements for implementation of and compliance with Best Management Practices;

(10) requirements for notification of the City of any facility changes that affect the potential for a slug discharge or any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the Wastewater System;

(11) requirements for notification of a spill or slug discharge; and

(12) other conditions as deemed appropriate by the City to ensure compliance with these Regulations.

(e) Public Notice of Permit Issuance

(1) Public notice of every proposed General Wastewater Discharge Permit and No Discharge Wastewater Discharge Permit shall be published by the City in a newspaper of daily circulation within the geographical area of the discharge. The notice shall include at least the following:

(A) name and address of each permittee;

(B) each permittee's activity or operation which results in the discharge described in the Wastewater Discharge Permit;

(C) address and phone number of premises where a copy of the proposed permit may be requested; and

(D) notice of the 30-day comment period required by Section 502.2(e)(2) of these Regulations.

(2) There shall be a thirty (30)-day period following publication of notice

during which written comments may be submitted by the permittee or interested persons located within the City's wastewater processing service area. The Commissioner will make his final determination on a proposed permit following the comment period. The period for comment may be extended at the discretion of the Commissioner for up to 30 additional days.

(3) The Commissioner shall issue the permit as soon as is practicable and this shall be a final decision.

(f) Permit Duration

(1) Permits shall be issued for a specified time period, not to exceed five (5) years. The Permit may be issued for a period less than a year or may be stated to expire on a specific date. The User shall apply for Permit re-issuance a minimum of 180 days prior to the expiration of the User's existing Permit. Where the User has made a timely and complete Permit renewal application, the existing Permit shall continue in effect until a new Permit is issued by the City. The User shall be informed of any proposed changes in the Permit at least thirty (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.

(2) If a User wishes to contest any provisions of the Permit, the User may file an appeal pursuant to the Philadelphia Home Rule Charter. The appeal shall specifically state all terms and/or conditions of the Permit which are being challenged and shall state all reasons why the User believes the terms and/or conditions are inappropriate. The appeal shall be taken within thirty (30) days of the User's receipt of the Permit. Failure to appeal within this time period shall result in a waiver of all legal rights to challenge the terms and/or conditions of the

Permit. Where the Permit has been appealed, the appeal shall only stay the contested terms and/or conditions of the Permit and not the entire Permit. The remainder of the Permit remains in full force and effect.

(g) Wastewater Discharge Permit Transfer: Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least thirty (30) days advance written notice to the City and the City approves the Wastewater Discharge Permit transfer in writing. The notice to the City must include a written certification by the new owner or operator which:

(1) states that the new owner and/or operator has no immediate intent to change the facility's operation or processes;

(2) identifies the specific date on which the transfer is to occur;

(3) acknowledges full responsibility for complying with the existing Wastewater Discharge Permit; and

(4) acknowledges full responsibility for correcting all pre-existing violations, including, but not limited to, implementing corrective action plans and paying fines.

(h) Effective Date

The Permit becomes effective when signed by the Commissioner or as specified in the Permit.

### **502.3 Sampling and Analysis Requirements**

(a) Sampling Requirements

(1) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists.

(2) Samples and measurements taken for purposes of the monitoring requirements shall be representative of the normal discharges occurring during the reporting period.

(3) Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds.

(A) For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 502.4(a) and (b), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulphide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum.

(B) For the reports required by Section 502.4(c), the City shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.

(4) For any pollutants not identified in Section 502.3(a)(3), 24-hour composite samples must be obtained through flow proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City.

(5) Sampling shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto including but not limited to sample preservation, sampling vessels and equipment.

(b) Sample Analysis Requirements

(1) Analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto including but not limited to analytical methods and sample holding time.

#### **502.4 Reporting Requirements**

##### **(a) Baseline Monitoring Reports**

Any User receiving a Baseline Monitoring Report form shall complete the form by providing all information requested therein and shall return the completed form to the POTW within thirty (30) days upon its receipt. In support of the application, the User shall submit, in units and terms appropriate for evaluation, the following information:

(1) Name, mailing address, and facility address;

(2) NAICS number according to the North American Industry Classification System, Office of Management and Budget, 1997, as amended;

(3) Wastewater constituents and characteristics including but not limited to those mentioned in Section 501.5(a) of these Regulations as determined by a reliable analytical laboratory; sampling and analysis 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; User shall follow the requirements of Section 502.3 of these Regulations for Sampling and Analysis Requirements;

(4) Time and duration of contribution;

(5) Average daily, maximum daily and thirty (30) minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Description of activities, facilities and plant processes on the premises including all materials, which are or could be discharged;

(7) The nature and concentration of any pollutants in the discharge which are limited by any City, State, or Federal Pretreatment Standards, as well as any information demonstrating compliance with any applicable Best Management Practices, and a statement regarding whether or not the Pretreatment Standards or Requirements 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 User to meet applicable Pretreatment Standards or Requirements;

(8) Where additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment. The completion date 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 required for the User to meet the applicable Pretreatment Standards (e.g., completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(B) No increment referred to in paragraph (A) above shall exceed nine (9) months.

(C) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the User shall submit a progress report to the City indicating, at 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 User to return the construction to the schedule established. Such progress reports shall be submitted to the City at least every nine (9) months.

(9) Each product produced by type, amount, process or processes and rate of production;

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

(11) Number and type of employees, hours of operation of plant and proposed or actual hours of operation of pretreatment system;

(12) Any other information as may be deemed by the City to be necessary to evaluate the permit application;

(13) a list of any environmental control permits held by or for the facility; and

(14) a certification statement, signed and dated by an Authorized Representative of the Industrial User, as required by 40 CFR 403.6(a)(2)(ii) and Section 502.4(k) of these Regulations.

(b) Report on Compliance with National Categorical Pretreatment Standards Deadline (90 Day Compliance Report).

(1) Within ninety (90) days following the date for final compliance with applicable

National Categorical Pretreatment Standards or in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards or Requirements shall submit to the City a report containing the information described in Section 502.4(a)(3) through (7).

(2) For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to National Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(c) Periodic Compliance Reports

(1) The reporting periods shall run from January 1 to June 30 and from July 1 to December 31. Every SIU shall submit to the City during the months of July and January, unless required in different months or more frequently by the City, a Periodic Compliance Report for the preceding reporting period. The Periodic Compliance Report shall contain, at minimum, the following:

(A) The results of the monitoring program conducted by Industrial User, including all sample results, sampling frequency and sample type (grab or composite), and any information demonstrating compliance with any applicable best management practices.

(i) All 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; or other test procedures approved by the EPA for use under the Clean Water Act. User shall follow sampling and analysis requirements in Section 502.3 of these Regulations.

(B) Wastewater flow data for the reporting period, specifically daily averages and maximums in gallons per day.

(C) For Industrial Users subject to equivalent mass or concentration limits established by the City in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the User's long term production rate. For all other Industrial Users subject to National Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.

(D) A statement as to whether or not Industrial User has achieved compliance with all Pretreatment Standards or Requirements, including Best Management Practices.

(E) If the Industrial User has not achieved compliance with all Pretreatment Standards or Requirements and Best Management Practices, a proposed schedule indicating what additional pretreatment and/or operations and maintenance will be required to achieve compliance in the shortest time.

(F) a certification statement, signed and dated by an Authorized Representative of the Industrial User, as required by 40 CFR 403.6(a)(2)(ii) and Section 502.4(k) of these Regulations.

(d) Notification of Changed Discharge

All Industrial Users shall promptly notify the City in advance of any facility changes that affect the potential for a slug discharge or any other substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted initial notification under Section 502.4(e) of these Regulations.

(e) Hazardous Waste Notification Requirement

(1) The Industrial User shall notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities in writing of any discharge to the City of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 (RCRA). Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than one-hundred (100) kilograms of such waste per calendar month to the City, the notification shall also contain the following information to the extent such information is known and readily available to the Industrial User: An identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. The notification requirement in this Section does not apply to pollutants already reported under the self-monitoring requirements.

(2) The Industrial User is exempt from the requirements of paragraph (1) of this section during a calendar month in which it discharges no more than fifteen (15) kilograms of hazardous wastes, if allowed under its Permit, unless the wastes are RCRA acute hazardous wastes, which require a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste, where allowed by its Permit, do not require additional notification.

(3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the Industrial User must notify the City, the EPA Regional Waste Management Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

(4) In the case of any notification made under this Section, the Industrial User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

#### (f) Closure Statement

If Industrial User requests modification or termination of Industrial User's Wastewater Discharge Permit due to ceasing all or part of the process(es) regulated by the Permit, Industrial User shall submit to the City, in writing, thirty (30) days prior to closing, a Closure Statement which shall contain, at a minimum, the following:

(1) company name and address (at which regulated process(es) are or were located);

(2) name and telephone number of company contact person;

(3) closure date(s) of regulated process(es);

(4) list of other process(es) that will continue to operate at same location;

(5) indication of whether a water shut-off request has been filed if entire facility has or will shut down;

(6) ultimate plans for disposal of building(s), equipment and materials;

(7) schedule for (6) above;

(8) receipts and manifests for disposal of hazardous wastes and materials, etc.; and

(9) a certification statement, signed and dated by an Authorized Representative of the Industrial User, as required by 40 CFR 403.6(a)(2)(ii) and Section 502.4(k) of these Regulations.

#### (g) Notice of Potential Problems

Industrial User shall notify the City immediately of all discharges which could cause problems to the POTW, including spills or slug discharges.

#### (h) Notice of Indication of Violation

If sampling performed by Industrial User indicates a violation, User shall notify the City within twenty-four (24) hours of becoming aware of the violation, and submit to the City within five (5) business days, unless otherwise specified, a detailed written report describing the discharge and the measures taken to prevent similar future occurrences. User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within

thirty (30) days of becoming aware of the violation.

(j) Responses to Notices of Violations and Notices of Significant Non Compliance

All Users shall respond in writing to Notices of Violations and Notices of Significant Non-Compliance ("Notice") within fifteen (15) days of their receipt of these Notices or as otherwise required in the Notices. The written response must state the reasons for the violation(s), all actions that have or will be taken to return to compliance, and when full compliance will be achieved.

(k) Certification Requirement

All reports, including, but not limited to, Baseline Monitoring Reports, reports on compliance with categorical pretreatment standards and periodic compliance reports shall include the following certification statement, signed and dated by an authorized representative of the Industrial User: "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

(l) Signatory Requirements

All reports, including but not limited to, baseline monitoring reports and periodic compliance reports shall be signed by an Authorized Representative of the User.

## 502.5 Monitoring Facilities

(a) The City shall require monitoring facilities, to be provided and operated at the User's own expense, that allow for inspection, sampling, and flow measurement of the Building Sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the City may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

(b) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User.

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by the City.

## 502.6 Inspection and Sampling

(a) The City may inspect User's facilities to determine compliance with Pretreatment Standards or Requirements. Persons or occupants of premises connected to the City Wastewater System shall allow the City or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, copying of records or for the performance of any of their duties.

(b) The City shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.

(c) Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

#### **502.7 Pretreatment**

Users shall provide necessary wastewater treatment as required to comply with these Regulations and shall achieve compliance with all Pretreatment Standards or Requirements. Any facilities required to pre-treat wastewater to a level acceptable to the City shall be provided, operated and maintained at the User's expense. A Pretreatment Facilities Report containing detailed plans showing the pretreatment facilities and detailed operating procedures shall be submitted to the City for review, and shall be acceptable to the City before construction or operation of the facility. Any User currently operating that has not submitted a Pretreatment Facilities Report shall submit this report to the City within fifteen (15) days of the City's request for this Report. The review of such plans and operating procedures will in no way relieve the User from its responsibility of providing an effluent limit which complies with all Pretreatment Standards or Requirements. User shall report in writing to the City any changes in its pretreatment facilities, method of operation or nature or characteristics of the wastewater prior to implementing such changes.

#### **502.8 Record Keeping Requirements**

(a) All Users shall retain all records relating to compliance with Pretreatment Standards or Requirements including documentation associated with Best Management Practices for a period of at least three (3) years, and shall contain all of the following requirements:

- (1) the date, exact place, method, and time of sampling and the names of the person or persons taking the samples;
- (2) the dates analyses were performed;
- (3) who performed the analyses;
- (4) the analytical techniques/methods used; and
- (5) the results of such analyses.

(b) The period of retention shall be automatically extended during the course of any unresolved dispute between the User and the City, or when the City so requests. Upon request, these records shall immediately be made available to the City for inspection and copying.

#### **502.9 Duty to Mitigate**

Industrial User shall take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with any Pretreatment Standards or Requirements, including such accelerated or additional monitoring as is necessary to determine the nature and impact of the non-complying discharge.

#### **502.10 Confidential Information**

(a) Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be

available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the City that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

(b) When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request by governmental agencies for uses related to these Regulations, the City's NPDES Permit, State Disposal System permit and/or the Pretreatment Program, and for use by State and Federal government or any state or federal agency in judicial review or enforcement proceedings involving the person furnishing the report. Effluent data, as defined in Section 501.2(q), will not be recognized as confidential information.

#### **502.11 Public Notification**

The City shall publish, at least semi-annually in the daily newspaper with the largest circulation a list of the Users which were in Significant Noncompliance, as defined in Section 501.9(c) of these Regulations, during the previous six (6) months. The notification may also summarize any enforcement actions taken against the User(s) during the same six (6) months.

#### **502.12 Enforcement**

##### **(a) Emergency Suspensions**

(1) Notwithstanding any other provisions of these Regulations, the City may suspend the wastewater treatment service and/or a Wastewater Discharge

Permit when such suspension is necessary in the opinion of the City, in order to stop an actual or threatened discharge which:

(A) presents or may present an imminent or substantial endangerment to the health or welfare of persons; or

(B) presents or may present an imminent or substantial endangerment to the environment; or

(C) may cause or actually causes Interference to the POTW; or

(D) may cause or actually causes the City to violate any condition of its NPDES Permit.

(2) Any person notified of a suspension of wastewater treatment service and/or the Wastewater Discharge Permit shall immediately stop or eliminate all contributions.

(3) Should the person fail to immediately comply voluntarily with the suspension order, the City shall take such steps as deemed necessary, including but not limited to termination of water service, and/or immediate severance of the sewer connection.

(4) City shall revoke its emergency suspension order and restore wastewater and/or water service once the following information has been provided to and accepted by the City:

(A) a detailed written report describing the cause(s) of the harmful contribution and indicating what measures have been taken to prevent any future occurrence of same, and

(B) proof of the elimination of the harmful discharge.

(5) Revocation of an emergency suspension order and restoration of wastewater and/or water service shall not preclude the City from taking any other enforcement action as permitted under Sections 502.12(b)-(j), inclusive, and Section 501.9 of these Regulations.

(b) Revocation of Permit: Any User who violates these Regulations, the Wastewater Discharge Permit, or any applicable Federal, State or local law, is subject to having his Wastewater Discharge Permit revoked in accordance with the procedures of Section 502.12(c) of these Regulations. Revocation of a User's Permit requires the User to immediately cease all wastewater discharges.

(c) Procedure for Revocation of Permit

(1) Whenever the City finds that any User has violated or is violating any Pretreatment Standards or Requirements, the City may serve personally or by regular or certified mail upon such person a notice of revocation stating the nature of the violation(s). Notice by regular mail alone shall be deemed sufficient notice.

(2) Within fifteen (15) days of the date of the notice of revocation, the User shall respond in writing. The response must state why the violation occurred, the steps taken to prevent its recurrence, and whether the violation has been corrected. If the response indicates that the violation has not been corrected, the response shall contain a plan for the immediate correction of the violation.

(3) The Commissioner shall consider the User's response, if any, before rendering his final determination order. The Commissioner's final determination order may direct that:

(A) the User's Permit be immediately revoked; or

(B) the User's Permit be revoked on a specified future date unless adequate treatment facilities, devices or other related appurtenances shall have been installed and existing treatment facilities, devices or other related appurtenances are properly operated; or

(C) the User's Permit shall continue in effect.

(4) Further orders and directives as are necessary and appropriate may be issued.

(d) Enforcement of Permit Revocation: If the User fails to immediately cease all wastewater discharges upon the revocation of his Wastewater Discharge Permit, the Commissioner may order any of the following actions to be taken:

(1) immediate termination of the User's water service;

(2) immediate severance of the User's sewer connection; and

(3) any other action designed to immediately terminate the User's wastewater discharge.

(4) All costs related to terminating or reinstating after termination the User's water and/or sewer service shall be borne by the User.

(e) Reissuance of Permit after Revocation

(1) Where a User has failed to respond to a notice of revocation in accordance with Section 501.9(c) of these Regulations and/or has failed to comply with the Commissioner's final determination order, the City may decline to reissue a permit.

(2) No permit shall be reissued until the User has submitted and completed a corrective action plan, which will ensure compliance with all Pretreatment Standards or Requirements.

(3) Prior to reissuance of a Permit the City may require the User to:

(A) file with the City a performance bond payable to the City, in a sum not to exceed a value determined by the City to be necessary to achieve consistent compliance; or

(B) submit proof that it has obtained liability insurance acceptable to the City, sufficient to restore or repair the POTW for damages that may be caused by the User's discharge.

(f) Procedure for Terminating Discharge against Non-Permitted Users

(1) Whenever the City finds that any User has violated or is violating any Pretreatment Standards or Requirements, the City may serve personally or by regular or certified mail upon such User a notice of the City's intent to terminate the User's discharge, along with a description of the User's violation(s). Notice by regular mail shall be deemed sufficient notice.

(2) Within fifteen (15) days from the date of the notice of the City's intent to terminate, the User shall respond in writing. The User's response shall include a plan for the satisfactory correction of the violation(s).

(3) The Commissioner shall consider the User's response, if any, before rendering his final determination order. The Commissioner's final determination order may direct that:

(A) the User immediately cease all wastewater contributions; or

(B) the User be prohibited from contributing wastewater into the POTW unless adequate treatment facilities are installed and operating; or

(C) the User may continue his wastewater contribution.

(4) Further orders and directives as are necessary and appropriate may be issued.

(5) If a User fails to immediately comply with the Commissioner's final determination order, the Commissioner may enforce his order by taking any or all of the actions stated in Section 502.12(d) of these Regulations. In addition, the Commissioner may use any other administrative, legal, or equitable relief available.

(6) After termination, the User may apply to the Commissioner to once again contribute wastewater into the City's system. The Commissioner may accept, deny, or condition his acceptance of the application pursuant to Section 502.12(e) of these Regulations.

(g) Administrative Orders

(1) Whenever a User has violated or continues to violate any Pretreatment Standards or Requirements, the Commissioner may issue an Administrative Order requiring the User to correct the violations and to return to compliance. The Order may require that the User take any or all of the following actions:

(A) install new or additional pretreatment facilities to ensure compliance with all Pretreatment Standards or Requirements;

(B) make operational changes to ensure compliance with all Pretreatment Standards or Requirements;

(C) meet interim and/or final deadlines by which actions and/or compliance must be achieved;

(D) conduct additional self-monitoring and additional reporting;

(E) require remediation of any damage done to the POTW or the environment;

(F) establish interim effluent limits;

(G) require the User's Wastewater Discharge Permit to be amended in accordance with these Regulations;

(H) require the User to submit information and reports;

(I) pay fines in accordance with Section 501.9 of these Regulations; or

(J) take any other action, which the Commissioner deems necessary to ensure both present and future compliance with all Pretreatment Standards or Requirements.

(2) If the User fails to comply with the Administrative Order, the User's wastewater and/or water service may be terminated. The issuance of an Administrative Order shall not be a bar against, or a prerequisite for, taking any other action against the User. If the User wishes to contest the Administrative Order, he shall file its appeal pursuant to the Philadelphia Home Rule Charter within 30 days. Failure to appeal within this time period shall result in a waiver of all legal rights to contest the violation or any provisions contained in the Order.

(h) Administrative Consent Orders

The Commissioner may enter into Administrative Consent Orders establishing an agreement with any User. An Administrative Consent Order may contain any or all of the provisions contained in Section 502.12(g) of these Regulations. Administrative Consent Orders shall have the same force and effect as Administrative Orders.

(i) Legal Action

If any person violates any Pretreatment Standards or Requirements, the City Solicitor may commence an action for appropriate legal and/or equitable relief in the appropriate court.

(j) Injunctive Relief

If an Industrial User violates any Pretreatment Standards or Requirements, the City may petition the Court for an injunctive relief, which restrains or compels the activities on the part of the Industrial User.

## **503.0 MISCELLANEOUS**

### **503.1 City's Right of Revision**

The City reserves the right to establish by regulation more stringent limitations or requirements on discharges to the City's Wastewater System if deemed necessary to comply with the objectives presented in Section 501.1 of these Regulations.

### **503.2 Severability**

If any provision, paragraph, word, section, or article of these Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and articles shall not be affected and shall continue in full force and effect.

### **503.3 Conflict**

All other regulations and parts of other regulations inconsistent or conflicting with any part of these Regulations are hereby repealed to the extent of such inconsistency or conflict.

### **503.4 Effect of Regulations**

These Regulations shall apply to the City and to persons outside the City who are, by contract or agreement with the City, users of the POTW.

## **504.0 REQUIREMENTS FOR SEWER CONNECTIONS**

### **504.1 Definitions.**

The following words and phrases when used in Section 504.1 through 504.14 of these regulations have the meanings given to them in this Section unless specifically provided otherwise or unless the text clearly indicates otherwise:

(a) Drainage system: The piping within public or private premises but outside of a building or dwelling which conveys sewage, rainwater or other liquid wastes from a property to a point of disposal.

(b) Fresh Air Inlet: A connection to the Drainage System to permit the circulation of air through the system.

(c) House Drain: That part of the lowest horizontal piping of the Drainage System which receives the discharge from soil, waste, or other drainage pipes in the building or on the premises and conveys it to the existing lateral, sewer, cesspool or septic tank.

(d) House Trap: A running trap installed in the House Drain to prevent circulation of gases between the Drainage System of a

premises and the Public Sewer; also known as a curb trap when installed on the footway.

(e) Lateral: The portion of the Drainage System that extends from the Public Sewer to the House Trap.

(f) Licenses and Inspections: The Department of Licenses and Inspections, an operating department of the City of Philadelphia.

(g) Manual: The current version of the Philadelphia Water Department Sewer Connection and Lateral Repair Manual.

(h) Master Plumber: A person who has obtained an active Master Plumber license from the City of Philadelphia, and who is regulated under Philadelphia Code § 9-1003.

(i) Plumber: A Master Plumber, journeyman plumber or apprentice plumber registered and/or licensed to install plumbing in the City of Philadelphia, and who is regulated under Philadelphia Code § 9-1003.

(j) Private Sewer: A sewer which is not part of the City's Public Sewer system, and which is owned and maintained by the connected property owner(s).

(k) Public Sewer: A sewer main and associated Sewer Appurtenances owned by the City of Philadelphia and maintained by the Water Department.

(l) Sewer Appurtenances: The various accessories on the public sewerage system necessary for the efficient operation of the system. Sewer Appurtenances include manholes, lampholes, street inlets, catch basins and inverted siphons.

(m) Sewer Access Permit: A permit authorizing access to a specific area of the Public Sewer to investigate a Private Sewer, Public Sewer, or Lateral.

(n) Sewer Connection: The point of connection between the Drainage System of a building or premises and the Public Sewer, or the point of connection between a Private Sewer and a Public Sewer.

(o) Sewer Connection Permit: a permit authorizing a Sewer Connection and/or Lateral Repair, which shall distinguish between the installation of a new Sewer Connection and/or Lateral and the repair or reconnection of an existing Sewer Connection and/or Lateral.

(p) Slant: The prefabricated fitting connecting the Lateral to the Public Sewer.

(q) Streets Department: The Philadelphia Department of Streets, an operating department of the City of Philadelphia.

(r) Water Department: The Philadelphia Water Department, an operating department of the City of Philadelphia.

#### **504.2 Owner's Responsibility.**

(a) The property owner owns and shall maintain and repair the property's entire Drainage System and the Sewer Connection, ensuring each is intact, unobstructed, and properly configured, connected, and functioning at all times.

(b) The owner(s) of a Private Sewer shall maintain and repair the Private Sewer, ensuring it is intact, unobstructed, and properly configured, connected and functioning at all times.

(c) The sanitary, stormwater, or combined sanitary and stormwater Lateral for each building or structure shall be separate and independent of the Drainage System serving any other building, structure, or surface area unless part of a common building sewer or Drainage System or Private Sewer permitted under the Philadelphia Plumbing Code and

approved by the Water Department and Licenses and Inspections.

#### **Exceptions:**

(1) Multiple buildings, structures, or surface areas which have a shared stormwater management practice ("SMP") may use a single Lateral to connect the SMP to a Public Sewer in accordance with PWD Regulations Chapter 6.

(2) Several SMPs may use a single Lateral to connect the SMPs to a Public Sewer.

#### **504.3 Permit Required.**

(a) Permit required.

(1) No person shall make a new Drainage System connection to an existing Public Sewer unless:

(A) the Water Department has determined that the Public Sewer has available capacity for the proposed connection in accordance with the Pennsylvania Sewage Facilities Act ("Act 537"), if applicable, and

(B) he or she has obtained a Sewer Connection Permit.

(2) No person shall reconnect, replace, or repair an existing Sewer Connection or a Lateral until he or she has obtained a Sewer Connection Permit.

(b) An application for a Sewer Connection Permit shall be submitted by a Master Plumber or his/her authorized agent.

(c) A Master Plumber or his/her authorized agent must follow the process detailed in the Manual in order to obtain a Sewer Connection Permit.

(d) Any Plumber or other person who starts work governed by this Section without securing the proper permits as required by the Philadelphia Code and these regulations shall be subject to having his/her license suspended or revoked, and/or such penalties as may be prescribed by law, and may be ordered to stop work immediately, except in an emergency as provided by law.

#### **504.4 Plumber's Responsibility.**

(a) A Plumber is required to be on site at all times following commencement of any work governed by this Section. The Plumber shall have his/her license or registration, personal identification, and all permits available for inspection at the work site at all times. If not on site, a journeyman or Master Plumber shall be available for a site visit or electronic communication during a City inspection.

(b) The responsibility to provide an adequate Sewer Connection remains with the Master Plumber. Any approval by the City of Philadelphia or Water Department does not remove any responsibility from the Master Plumber.

(c) The Plumber must protect stockpiles of excavated material and must broom sweep the sidewalk and roadway adjacent to the work site at the end of each work day. Excavated material is prohibited from entering the Public Sewer.

(d) The Plumber shall comply with the Pennsylvania Underground Utility Line Protection Act (73 P.S. § 176 et. seq., informally known as PA One Call), or equivalent.

(e) It is the responsibility of the Plumber on site to dig with care and verify all utility location information. If a Plumber causes or discovers any damage to public or private infrastructure or property during any work

covered by this Section, the Plumber shall notify the Water Department immediately. The Water Department, upon being notified of such damage caused by the Plumber, may order the Plumber to make any emergency repairs to public or private infrastructure at the Plumber's expense.

(f) If the Water Department determines that the Public Sewer or any other City infrastructure or property was damaged by a Plumber's operation, then the time and materials required by the City to repair such damage and other clean-up costs will be invoiced to the Master Plumber. The Water Department may withhold permits from a Master Plumber who fails to pay such an invoice, or who fails to resolve a legitimately disputed invoice.

#### **504.5 Water Department Responsibility.**

(a) The Water Department or its designee will inspect work conducted under this Section and will only approve work performed in accordance with the Manual.

(b) The Water Department may refer any violations of City Code and/or regulations under the jurisdiction of another City department to that agency.

(c) The Water Department maintains current Public Sewer records which shall be available for plumbers, engineers or other construction professionals to use when designing or constructing connections to the Public Sewer.

(d) The Water Department will periodically review and update the Philadelphia Water Department Sewer Connection Manual.

**504.6 General Requirements for Sewer Connections.**

(a) All Sewer Connections must be core drilled, unless approved by the Water Department in writing.

(b) Strictly prohibited connections and configurations.

(1) The following types of connections are strictly prohibited.

Any private plumbing connected to:

(A) Force mains.

(B) Inlets.

(C) Inlet laterals.

(D) A sewer with insufficient capacity.

(2) The following configurations are strictly prohibited:

(A) A stormwater Lateral or combined stormwater and sanitary Lateral connection to a sanitary-only Public Sewer.

(B) A sanitary Lateral or combined stormwater and sanitary Lateral connection to a stormwater-only Public Sewer.

(C) A Sewer Connection from an ejector or pumped system.

(D) A Lateral intruding into the Public Sewer.

(c) Generally prohibited Sewer Connections.

(1) The following types of Sewer Connections are generally prohibited but may be reviewed and approved by the Water Department on an individual basis by the applicant showing an extreme hardship.

Sewer Connections to:

(A) Intercepting sewers.

(B) Manholes.

(C) Dry weather outlet pipes.

(d) Review and Approval.

(1) The following types of Drainage System connections shall be reviewed and may be approved on a case by case basis by the Water Department.

Drainage System connections:

(A) To a Public Sewer or a Private Sewer draining to a sanitary pump station.

(B) To a previously lined Public Sewer.

(C) Larger than six inches in diameter.

(e) Lateral pipe shall be properly constructed, installed, and maintained and shall be in accordance with the Manual.

(f) Any Sewer Connection shall be properly and securely made in accordance with the Manual.

(g) House Traps and Fresh Air Inlets shall be installed in accordance with the Philadelphia Plumbing Code.

**504.7 Specific Requirements for Sanitary Sewer and Combined Sewer Laterals.**

(a) A Lateral connecting to a sanitary-only Public Sewer shall not be smaller in diameter than the House Drain, and in no case less than five inches (5") in diameter.

(b) A combined sanitary and stormwater Lateral shall be no smaller than six inches (6") in diameter.

(c) When connecting to a combined sanitary and stormwater Public Sewer, separate sanitary and stormwater Laterals within a Drainage System may only be combined after the approved House Traps.

(d) When connecting a Lateral to a sanitary-only Public Sewer and a Lateral to a stormwater-only Public Sewer, the Sewer Connection of the sanitary Lateral shall be downstream of the Sewer Connection of the stormwater-only Lateral, in relation to the flow of the Public Sewer.

#### **504.8 Specific Requirements for Stormwater Sewer Laterals.**

(a) Lateral pipe, including any pipe providing slow release or overflow drainage from a stormwater management practice, and connecting to any type of sewer shall, if applicable, be designed in accordance with Chapter 6 of these regulations.

(b) A stormwater Lateral shall be no smaller than six inches (6") in diameter.

#### **504.9 Materials.**

(a) Lateral pipe shall be constructed of ductile or cast iron, pre-cast reinforced concrete (RCP), or vitrified clay, conforming to the following standards:

(1) Cast iron pipe: ASTM A74; ASTM A 888; CISPI 301

(2) Ductile iron pipe: ANSI/AWWA C150 /A 21.50-81, Class 56 wall pipe

(A) Reinforced concrete pipe: ASTM C14; ASTM C76; CAN/CSA A257.1M; CAN/CSA A257.2M

(B) Vitrified clay pipe: ASTM C 4; ASTM C 700

(b) All Lateral pipe sections shall be joined with bell and spigot joints, made tight with oakum, cement, rubber O-ring or other joint compounds or materials approved by the Water Department. No-hub pipe connections are prohibited, except when making a resilient saddle connection.

(c) Plastic pipe, including ABS and PVC, shall not be used for Lateral construction in the cartway.

(d) Material(s) for Laterals differing from those required or prohibited by this Section shall not be used unless approved by the Water Department in writing in accordance with the Manual. The Master Plumber shall be responsible for establishing the suitability of the alternative material to the Water Department prior to approval and use.

#### **504.10 Lateral Repairs and Replacements.**

(a) Lateral repairs and replacements shall be made in accordance with the Manual.

(b) Where an existing Lateral is being replaced in the same location, the existing Slant may be re-used if the Water Department approves the re-use in writing after inspection of the existing Slant.

(c) When a Sewer Connection for a property's Drainage System is moved to a new location, that previously existing Sewer Connection shall be properly sealed and the previously existing Lateral for that connection shall be properly disconnected and removed or sealed in accordance with the Manual.

**504.11 Work in the Street.**

(a) Street excavations, closures or detours, trenching, compaction, pipe support, backfilling and pavement restoration shall conform with the regulations of the Streets Department.

(b) Written approval must be obtained from the Water Department and the Streets Department Chief Engineer of the Highway Division prior to boring or tunneling in the public right-of-way.

**504.12 Access to City Sewer System.**

(a) Any person wishing to access the Public Sewer to conduct an investigation of a Public Sewer, Private Sewer, or Lateral shall obtain a Sewer Access Permit from the Water Department.

(b) No person, instrument, equipment, construction material or anything else may be placed into the Public Sewer for any purpose without the prior written consent of the Water Department.

**504.13 Inspections and Enforcement.**

(a) No backfilling shall commence until the Sewer Connection and/or any Drainage System component has been properly installed, and inspected and approved by the City.

(b) The Fresh Air Inlet(s) shall be visible and accessible for inspection at all times.

(c) The City is authorized to revoke a Sewer Connection Permit when:

(1) the Sewer Connection Permit was issued in error or was issued on the basis of incorrect, inaccurate or incomplete information in the application.

(2) the Sewer Connection Permit was issued on the basis of false statement or misrepresentation of fact in the application.

(3) any plumbing work for which the permit was granted is done in violation of Philadelphia Code or any regulations promulgated pursuant thereto, or fails to pass any inspection or test conducted by City.

(4) work is being conducted in an unsafe manner.

(5) a Stop Work Order or Cease Operations Order has been issued.

(d) Failure to comply with the requirements of this Section or to maintain in good working order any portion of the property's Drainage System shall evidence an immediate hazard to health or public or private property and shall result in the issuance of a Notice of Violation in accordance with the procedures of the Philadelphia Administrative Code and/or may result in the assessment of such other penalties as may be provided by law. In addition, as a result of a continuing violation and as stated in the Notice of Violation, the City may suspend water service at any time to prevent an immediate hazard to health or public or private property in accordance with the Philadelphia Administrative Code.

(e) If a violation of this Section as described in an issued Notice of Violation is not corrected or if public health, safety, or public or private property is in jeopardy, the City may correct the violation itself or by contract. The property owner(s) shall be responsible for the full cost of repair and shall be billed for such costs by the City. If the property owner(s) fails to pay the bill in the time allowed, the City may take any and all additional enforcement measures permitted by law.

(f) If a Plumber fails to meet his or her obligations under this Section, the City may enforce the penalty provisions of Philadelphia Code § 9-1003(8) (license suspension and revocation). The City may also require the Plumber to correct improper or unsatisfactory work. If, after notice from the City, a Plumber fails to correct unsatisfactory work, the City may correct the violation and invoice the Master Plumber for time and materials. The Water Department may withhold permits from a Master Plumber who fails to pay such an invoice, or who fails to resolve a legitimately disputed invoice.

**504.14 Sewer Connection Fees**

(a) The fees for a Sewer Connection Permit shall be:

Size and Type  
Charge

- 5” or 6” connection  
\$375.00
- 8” Saddle connection  
\$560.00

8” Wye connection  
\$665.00  
and any other PWD approved Sewer Connection requiring a connection method other than core drilling.

(b) Additional Fees:

- Approved Generally  
\$140.00
- Prohibited Connections
- Connections or Repairs  
\$80.00
- During Non-Business Hours

(c) The fee for re-inspection of a violation of this Section or for a rescheduled inspection shall be \$95.00.

(d) With the Water Department’s approval, depending on the type of connection or repair intended, the fee for an additional Sewer Connection Permit for work to be performed in the same trench and at the same time as work to be performed in association with an initial Sewer Connection Permit may be \$50.