

**STANDARD CONDITIONS FOR  
WASTEWATER DISCHARGE PERMITS**

**PART IV. REPORTING REQUIREMENTS**

(1) Monitoring Reports

(a) The reporting periods shall run from January 1 to June 30 and from July 1 to December 31. A Significant Industrial User (SIU), as defined in Section 501.2 of the Philadelphia Water Department Regulations (PWDR), shall submit to the Department during the months of January and July, unless required in different months or more frequently by the Department, a Periodic Compliance Report for the preceding reporting period. The Periodic Compliance Report shall contain, at a minimum, the following:

1. The results of the monitoring program conducted by Industrial User, including all sample results, sampling frequency and sample type (grab or composite). These samples shall be representative of the monitored activity specified in the permit. All analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Clean Water Act and contained in 40 CFR Part 136, and amendments thereto, or other test procedures approved by the EPA.
2. Measured or estimated average and maximum daily wastewater flows for each reporting period.
3. A statement as to whether or not Industrial User has achieved compliance with all pretreatment standards and requirements of this Permit.
4. If the Industrial User has not achieved compliance with all pretreatment standards and requirements of this Permit, a proposed schedule indicating what additional pretreatment and/or operations and maintenance will be required to achieve compliance in the shortest time.
5. 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."

- (b) If Industrial User's manufacturing process ceases to involve a pollutant parameter listed in Part I, a principal or executive officer of Industrial User may certify to this fact on an annual basis. Upon approval of this certification by City, testing and reporting for that parameter may be reduced to once per reporting period.
- (c) Industrial User shall notify the City of any changes in production which exceed twenty percent (20%) of the production units used in calculating production based limits, if applicable.
- (d) Industrial User shall immediately notify the City of any changes in production that could result in changes in Industrial User's wastewater discharges and/or affect the potential for a slug discharge.

## (2) Accidental and Unpermitted Discharge Reports

- (a) Industrial User shall orally report any discharges which could cause problems at the POTW, including a spill or slug discharge, independent of the cause or type of discharge, to City Municipal Dispatcher at (215) 686-4514 within one (1) hour of becoming aware of the event; and within five (5) working days thereafter, Industrial User shall submit to City a written report fully describing the causes, remedial actions and consequences of the event to the City. These reports shall not relieve Industrial User from any other obligations under federal, state, or local law.
  - 1. 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, or any discharge at a flow rate or concentration which could cause a violation of the Philadelphia Water Department Regulations.
- (b) In accordance with Part IV, Section (2)(a) above, within five (5) working days following an upset or accidental spill or slug discharge or bypass, Industrial User shall submit to the City a detailed written report. The report shall specify:
  - 1. A description of the cause of the upset or accidental spill or slug discharge or bypass, and the impact on Industrial User's compliance status. The description shall also include location of the upset or discharge and type, concentration and volume of waste.

2. The duration of noncompliance, including exact dates and times of noncompliance, and, if the noncompliance continues, the time by which compliance is reasonably expected to occur.
  3. All steps taken or to be taken to reduce, eliminate, and/or prevent recurrence of such an upset or accidental spill or slug discharge or bypass, or other conditions of noncompliance.
- (c) A notice shall be permanently posted on the User's bulletin board(s) and/or other prominent place(s) advising employees whom to call in the event of a slug or accidental or dangerous discharge. User shall advise all employees who may cause or be injured by such a discharge of the emergency notification procedure.

### (3) Accidental Spill Prevention / Slug Control Plan

Within three (3) months of the effective date of this Permit, Industrial User shall submit to City for City's written approval an Accidental Spill Prevention Plan / Slug Control Plan (ASPP/SCP) specifying processes to eliminate or minimize any accidental or slug discharges. Where such plans already exist and have received prior City approval, the submittal shall confine itself to any changes made to the plan in order to update it. The City's written approval of an ASPP/SCP or updates to it shall not relieve Industrial User of any liability under federal, state or local law. The ASPP/SCP shall contain, at a minimum, the following elements:

- (a) Description of discharge practices, including routine and non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for promptly notifying City of slug discharges as defined under 40 CFR Part 403.5(b), with procedures for follow-up written notification within five (5) days;
- (d) Any necessary procedures to prevent accidental spills, including maintenance of storage areas, handling and transfer of materials, loading and unloading operations, and control of plant site runoff;
- (e) Any necessary measures for building containment structures or equipment;
- (f) Any necessary measures to assure the integrity of storage vessels and piping;

- (g) Any necessary measures for controlling toxic organic pollutants (including solvents);
- (h) Any necessary procedures and equipment for emergency response;
- (i) Any necessary follow-up practices to limit the damage suffered by the treatment plant or its environment.

(4) Indication of Violation

If sampling performed by Industrial User indicates a violation, Industrial User shall notify the City within twenty-four (24) hours of becoming aware of the indication of violation and separately shall resample and submit results of the resampling within thirty (30) days of becoming aware of the violation. Industrial User shall continue to resample until the user returns to compliance. In addition, Industrial User shall submit to the City, within five (5) working days of the initial notification, a report as required by Part IV, Section 2,b, above.

(5) 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:

- (a) Company name and address (where regulated process(es) are or were located);
- (b) Name and telephone number of company contact person;
- (c) Closure date(s) of regulated process(es);
- (d) List of other process(es) that will continue to operate at same location;
- (e) Indication of whether a water shut-off request has been filed if entire facility has/will shut down;
- (f) Ultimate plans for disposal of building(s), equipment and materials;
- (g) Schedule for (f), above;
- (h) Receipts and manifests for disposal of hazardous wastes/materials, etc.;

- (i) A certification statement, signed and dated by an authorized representative of the Industrial User, as required by Part IV, Section (1)(a)5 above.

(6) Hazardous Waste Notification Requirement

- (a) 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 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 that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve 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.
- (b) The Industrial User is exempt from the requirements of paragraph (a) of this section during a calendar month in which he discharges no more than fifteen kilograms of hazardous wastes, if allowed under this Permit, unless the wastes are RCRA acute hazardous wastes, which requires a one-time notification. Subsequent months during which the Industrial User discharges more than such quantities of any hazardous waste, where allowed by this Permit, do not require additional notification.
- (c) 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 90 days of the effective date of such regulations.
- (d) 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.

(7) Other Requirements

- (a) All written reports required by this permit shall be submitted to the City at the following address:

Permit Administrator, Industrial Waste Unit  
Baxter Water Treatment Plant  
9001 State Road  
Philadelphia, PA 19136

**PART V. CITY'S REMEDY AND PENALTY**

(1) City's Remedy and Penalty

Industrial User must comply with all conditions of this Permit. Failure to comply with the requirements of this Permit shall be grounds for administrative action or enforcement proceedings including civil or criminal penalties, injunctive relief and termination of water and/or sewer service. Within fifteen (15) days from City's notice of violation of any condition of this Permit, Industrial User shall provide City with an explanation of the failure and all actions that have been or will be taken to return to compliance. Within thirty (30) days Industrial User shall submit a proposed plan to achieve compliance with the condition unless the Industrial User's fifteen-day response states that the matter has been fully resolved.

(2) Penalty

The PWDR provide that the City may assess Industrial User a penalty of \$25,000.00 per violation per day for any violation of this Permit. City may further require Industrial User to take corrective steps to achieve compliance. These penalties do not relieve Industrial User from any other civil or criminal penalties which may be levied under federal, state or local laws or the PWDR.

**PART VI. ADDITIONAL REQUIREMENTS**

(1) Duty to Comply

Industrial User shall comply with all the general prohibitive discharge standards in the PWDR, January 1, 2013, as amended.

(2) Right of Entry

Regarding all issues governed by this Permit, City retains the right to enter Industrial User's premises, at all reasonable hours, for the purpose of inspection, sampling or records inspection, including but not limited to,

inspection of production data, upon presentation of suitable identification. Reasonable hours for inspection and sampling shall include, but not be limited to, any time the Industrial User is operating any process or is engaged in any other activity which results in a wastewater discharge to the POTW.

### (3) Proper Disposal of Pretreatment Sludges and Spent Chemicals

Industrial User must dispose of hazardous sludges and spent chemicals in accordance with any applicable laws including but not limited to Section 405 of the Clean Water Act and Subtitles C and D of the Resource Conservation and Recovery Act (RCRA). A guidance manual on the requirements of RCRA is attached.

### (4) Signatory Requirements

All applications, reports or information submitted to the City as required by this Permit shall be signed and certified as specified at 40 CFR 403.12(l) by an authorized representative defined as one of the following:

- (a) By a responsible corporate officer, if the Industrial User submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means:
  - 1. a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation; or,
  - 2. the manager of one or more manufacturing, production or operation facility, provided the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations and initiating and directing other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) By a general partner or proprietor if the Industrial User submitting the reports is a partnership or sole proprietorship, respectively.
- (c) By a duly authorized representative of the individual designated in paragraph (a) or (b) of this section if:

1. The authorization is made in writing by the individual described in paragraph (a) or (b);
  2. The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
  3. The written authorization is submitted to the City.
- (d) If an authorization under paragraph (c) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (c) of this section must be submitted to the City prior to or together with any reports to be signed by an authorized representative.

(5) Modification, Revocation and Reissuance or Termination of Permits

- (a) This Permit may be modified, revoked and reissued, or terminated for good cause including, but not limited to, the following:
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 this Permit;
  6. Obtaining this 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.

- (b) The filing of a request by Industrial User for a termination, or a notification of planned changes or permit modification, revocation and resistance, or anticipated noncompliance, does not stay any permit condition.
- (c) City shall give Industrial User thirty (30) days to comment on any Permit modifications which result in new limits or new terms or conditions for compliance.

(6) Limitation of Permit Transfer

This Permit is neither assignable nor transferable without prior written approval of City. Transfer or sale of Industrial User shall obligate the purchaser to seek prior written approval of City for continued discharge of process wastewater into the POTW.

Industrial User shall submit to the City, for the City's approval, a written notice of the intent to transfer permit at least thirty (30) days in advance. The notice to the City must include a written certification by the new owner or operator which:

- (a) States that the new owner and/or operator has no immediate intent to change the facility's operation or processes; and,
- (b) Identifies the specific date on which the transfer is to occur; and,
- (c) Acknowledges full responsibility for complying with the existing wastewater discharge permit; and,
- (d) Acknowledges full responsibility for correcting all preexisting violations, including, but not limited to, implementing corrective action plans and paying fines.

(7) Falsifying Information or Tampering with Monitoring Equipment

Industrial Users knowingly making any false statement on any report or other document required by this Permit or knowingly rendering any monitoring device or method inaccurate, constitutes grounds for revocation of Permit and may be grounds for criminal proceedings.

(8) Duty to Mitigate

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

(9) Duty to Reapply

If the Industrial User wishes to continue the activity regulated by this Permit after the expiration date of this Permit, Industrial User must apply for and obtain a new Permit. The application must be submitted at least one hundred and eighty (180) days prior to expiration of this Permit.

(10) Severability

The provisions of this Permit are severable, and if any provisions of this Permit, or the application of any provision of this Permit to any circumstance is held invalid, the application of such provision to other circumstances, and the remainder of the Permit shall not be affected thereby.

(11) No Property Rights

The issuance of this Permit does not convey any property rights of any sort, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement of federal, state or local laws or regulations.

(12) Dilution

The Industrial User shall not increase the use of potable water, groundwater, rainwater, river water or process water or, in any way, attempt to dilute an effluent as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in this Permit.

(13) Bypass

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

(14) Confidentiality

Industrial User may assert confidentiality claims in accordance with 40 CFR Part 403.14 by designating business information as such. Any information submitted to the City pursuant to these regulations may be claimed as confidential by the submitter. Any such claim must be asserted at the time of submission in the manner prescribed on the application form or instructions, or, in the case of other submissions, by stamping the words "confidential business information" on each page containing such information. If no claim is made at the time of submission, the City may make the information available to the public without further notice. If a claim is asserted, the information will

be treated in accordance with the procedures in 40 CFR Part 2 (Public Information).

Information and data provided to the City pursuant to this part which is effluent data shall be available to the public without restriction.

All other information which is submitted to the City shall be available to the public at least to the extent provided by 40 CFR 2.302.

City will maintain reasonably designated information as confidential from third parties except for federal or state agencies. In the event of a third party request for access to confidential business information, Industrial User shall indemnify and defend the City or the claim of confidentiality shall be deemed waived.