

UNIVERSITY AREA JOINT AUTHORITY  
Centre County, Pennsylvania

Resolution Number 96-1

A RESOLUTION OF THE UNIVERSITY AREA JOINT AUTHORITY, CENTRE COUNTY, PENNSYLVANIA, ESTABLISHING AN INDUSTRIAL PRETREATMENT PROGRAM AND PROVIDING REGULATIONS LIMITING AND CONTROLLING THE QUALITY OF WASTEWATER DISCHARGED INTO THE PUBLIC SEWER SYSTEM, DEFINING CERTAIN WORDS AND PHRASES, PROVIDING PROCEDURES AND SYSTEMS FOR THE ADMINISTRATION OF THE PROGRAM, CREATING ENFORCEMENT PROCEDURES FOR VIOLATION OF THE PROGRAM AND ITS REGULATIONS, ESTABLISHING TECHNICAL REQUIREMENTS AND PROHIBITIONS ON DISCHARGES, PROVIDING FOR THE SETTING OF CERTAIN FEES, PROVIDING PENALTIES, PROVIDING SEVERABILITY OF PROVISIONS HEREOF, AND PROVIDING FOR REPEAL OF ALL INCONSISTENT RESOLUTIONS OR PARTS OF RESOLUTIONS.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the University Area Joint Authority as follows:

SECTION 1--EFFECTIVE DATE

This Resolution shall be known as the "Industrial Pretreatment Program (IPP) Resolution," and the provisions hereof shall become effective upon the date of enactment hereof, as entered below, and shall remain in effect thereafter unless the same be repealed.

SECTION 2--OBJECTIVES, APPLICABILITY AND RESERVATION OF RIGHTS

2.01 This Resolution sets forth uniform requirements for Dischargers into the Sewer System and enables the Authority to comply with applicable State and federal laws required by the Clean Water Act of 1977 (33 U.S.C. §1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Resolution are:

1. To prevent the introduction of Pollutants into the Sewer System that will cause Interference, increase the difficulty or costs of operation of the Sewage Collection System or the Sewage Treatment Plant, or reduce the efficiency or effectiveness of the Sewage Collection System or Sewage Treatment Plant;

2. To prevent Pass Through of Pollutants, inadequately treated, to the environment;

3. To protect workers and the general public from exposure to toxic or other dangerous substances;
4. To protect the Sewer System from damage;
5. To improve the opportunity to recycle or reclaim wastewater or sludge;
6. To provide for the equitable distribution of the cost of the operation, administration, and enforcement of the Industrial Pretreatment Program;
7. To enable the University Area Joint Authority to comply with all applicable State and National laws rules and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards, and water quality standards; and
8. To comply with the requirements of an Intermunicipal Agreement between the Contributing Municipalities and the

2.02 This Resolution shall apply to all Persons who Discharge or permit to be Discharged any water, Wastewater, or any other substance into the Sewer System owned or operated by a Contributing Municipality, the University Area Joint Authority, or to Sewers that connect with and Discharge to the Sewage Collection System or the Sewage Treatment Plant, as defined herein.

2.03 Notwithstanding any other provision to the contrary, nothing in the Resolution shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. § 1251 *et seq.*, the Clean Streams Law, 35 Pa. Stat. §§ 691.1 *et seq.*, and applicable regulations (e.g. 40 CFR Part 403, Title 25 Pa. Code) for the Authority to undertake implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Nevertheless, the Authority maintains discretionary authority to undertake activities beyond the minimum required.

### SECTION 3 - DEFINITIONS

As used in this Resolution, the following words, terms and phrases will hereinafter have the meanings set forth in this section, unless the context clearly requires a different meaning:

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

Approval Authority. The Regional Administrator of Region III of the EPA.

Authority. The University Area Joint Authority, a Pennsylvania municipality authority, its officers, Board members, employees and agents.

Authorized Representative (of Industrial User). An Authorized Representative of an Industrial User may be: (1) A principal executive officer of at least the level of president, secretary, treasurer, or vice-president in charge of a principal business function, or any other person who performs similar policy-or decision-making function, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A principal executive officer or director

having responsibility for the overall operation of the discharging facility or a ranking elected official if the Industrial User is a governmental entity, charitable organization or other such unincorporated entity; (4) a manager of one or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if the authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or (5) A duly authorized representative of the individual designated above in (1), (2) (3) or (4) if such representative, by name or position, is (a) identified in writing submitted to the Authority and (b)(i) is responsible for the overall operation of the facilities from which the Discharge originates or (ii) has overall responsibility for environmental matters for the company.

If an authorization under item (5) of this definition is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of item (5) of this definition must be submitted to the Authority prior to or together with any reports to be signed by an Authorized Representative.

Best Management Practice (BMP). A schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in 40 CFR 403.5(a)(1) and (b). BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

Building Sewer. A Sewer conveying Wastewater from the premises of a User to the Sewer System.

Bypass. The intentional diversion of Wastewater from any portion of an Industrial User's Pretreatment facility through which the Wastewater normally passes.

Calendar Day. Unless otherwise specified, the term Calendar Day when referred to in this Resolution consists of the period from midnight to midnight, or any equivalent twenty-four consecutive hour period, as determined to be appropriate by the Authority.

Categorical Industrial User. An Industrial User subject to Categorical Standards.

Categorical Pretreatment Standard. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. 1317) which applies to a specific category of Industrial Users. National Categorical Pretreatment Standards are enumerated in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471.

Certified Professional. A registered professional engineer under the laws of the State.

Chain of Custody. A record of sample collection indicating the place date and time of collection and the Person collecting the sample. It shall also include a record of each Person involved in possession of the sample including the laboratory Person who takes final possession of the sample for the purpose of analysis.

Clean Streams Law. The Act of June 22, 1937, P.L. 1937, as amended and reenacted by the Act of October 10, 1980, P.L. 894,35 P.S. Sections 691.1 to 691.702.

Color. Color of light transmitted through a waste after removal of all suspended matter, including pseudo-colloidal particles, and measured in platinum-cobalt units.

Combined Waste Formula. A procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.6(e).

Compliance. Adherence to conditions or requirements of this Resolution, any Order issued by the Authority, or any Wastewater Discharge Permit or other permit issued under the provisions of this Resolution.

Composite Sample. A sample composed of individual subsamples taken at regular intervals over a specified period of time. Subsamples may be proportioned by time interval or size according to flow (Flow-proportioned Composite Sample), or be of equal size and taken at equal time intervals (Equal-time Composite Sample).

Contributing Municipality. The College-Harris Joint Authority, the Patton-Ferguson Joint Authority, the State College Sewer Authority, the Borough of State College, and the Townships of College, Harris, Ferguson and Patton, and any other municipality which is party to a service agreement and therefore a User of the Sewer System, their officers, members, employees, agents and assigns.

Daily Maximum. The highest value obtained for samples collected in any Calendar Day. When used in a limit, the Daily Maximum is the highest value allowed in any Composite Sample, or the maximum value allowed as an average of one or more Grab Samples taken during a Calendar Day. The Daily Maximum may also be expressed as the maximum mass allowed to be Discharged during any one Calendar Day.

Discharge. The conveyance or placing of any water, Wastewater or other substance into the Sewer System including the delivery of water or Wastewater by truck.

Domestic Wastes. Normal household wastes from kitchens, water closets, lavatories and laundries, or any waste from a similar source and possessing the same characteristics.

Enforcement Response Plan. A plan and guide developed pursuant to 40 CFR §403.8(f)(5) providing for the enforcement of the Industrial Pretreatment Program.

EPA. The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Executive Director. An employee of the Authority so designated by that title.

Existing Source. Any source of Discharge, the construction or operation of which commenced prior to the publication by EPA of proposed Categorical Standards, which Categorical Standards will be applicable to such source if the Categorical Standard is thereafter promulgated in accordance with Section 307 of the Act.

Garbage. Solid or semi-solid wastes resulting from preparation, cooking, and dispensing of food, and from handling storage and sale of produce.

Grab Sample. A sample that is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

Groundwater. Water that is contained in or passing through the ground.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Industrial Pretreatment Program. The sum of the provisions of this Resolution, amendments thereto, and any activities authorized by this Resolution as regards the regulation and control of Industrial Users to the extent required by the federal pretreatment regulations set forth in 40 C.F.R. Part 403, and including similar provisions in ordinances of the Contributing Municipalities authorized to be administered and enforced by the Authority.

Industrial User. Any Person who Discharges Industrial Waste into the Sewer System.

Industrial Waste. Any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, trade, or business process or activity, or in the course of developing, recovering, or processing of natural resources and which is Discharged into the Sewer System; but not Non-contact Cooling Water or Sanitary Sewage. Any Wastewater which contains Industrial Waste and which is Discharged from an industrial, manufacturing, trade, or business premises is considered Industrial Waste for the purposes of this Resolution.

Infectious Waste. Any substance which is Discharged, and which consists of or is contaminated by pathogens or other etiologic agents, and which has not been sterilized, neutralized, or otherwise rendered harmless. Infectious Waste includes, but is not limited to: contaminated blood, blood products, or other bodily fluids (excepting excreta discharged by normal bodily functions); wastes, including excreta, from patient isolation areas; laboratory samples or test materials; animal wastes and bedding; body parts; pathology and autopsy wastes; and glassware, hypodermic needles, surgical instruments and other sharps.

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

Interference. A Discharge which, alone or in conjunction with Discharges from other sources:

- (a) Inhibits or disrupts the processes or operations of the Sewage Treatment Plant or the Sewage Collection System, or sludge processes, use or disposal; or
- (b) Is a cause of or contributes to a violation of any requirement of the Authority'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): Article 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 Toxics Substances Control Act, and the Marine Protection, Research and Sanctuaries Act; or which results in or increases the severity of a violation of other State or National environmental statutes, rules or regulations.

Local Limits. Numerical limitations on the concentration, mass or other characteristics of wastes or Pollutants Discharged, or likely to be Discharged, by Industrial Users, and which are developed by the Authority.

Manhole. A structure allowing access from the surface of the ground to a Sewer.

Mg/L. Milligrams per liter; a measure of concentration of water borne substances.

Monthly Average. The arithmetic mean of all daily determinations of concentration made during a calendar month

NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

New Source. Any building, structure, facility, or installation for which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Categorical Standards under Section 307(c) of the Act which will be applicable to such source if such Categorical Standards are thereafter promulgated in accordance with that Section. Determination of the applicability of New Source standards shall be made as provided in the Act and at 40 CFR, §403.3.

Noncompliance. Not in Compliance.

Non-contact Cooling Water. The water from any use such as air conditioning, cooling or refrigeration, not otherwise considered as Process Wastewater, and to which the only pollutant added is heat.

Normal Production Day. For the purposes of sampling Wastewater, a Normal Production Day is that portion of a Calendar Day during which Wastewater is Discharged and production, clean-up, and other activities that normally produce Wastewater or Industrial Waste are occurring. If a sample is specified to be collected during a Normal Production Day, it should not include aliquots taken during low wastestream flow periods that are not representative of such normal activities, or during times when Wastewater is not being Discharged.

Operator. Any Person having charge, care, control or management of a Pretreatment facility for Industrial Wastes or of a truck or trucks used in the removal, transport, or disposal of Sewage or Industrial Wastes.

Owner. Any Person vested with ownership, legal or equitable, sole or partial, of an improved property.

Pass Through. Discharge of Pollutants to the Waters of the State either untreated or insufficiently treated so as to cause Pollution or violation of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation; or concentration of Pollutants in the sludge so that the end use of the sludge results in Pollution, harm to the environment, or a violation of any State or federal sludge disposal regulation, guideline or standard, including an increase in the magnitude or duration of Pollution, harm, or violation.

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

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

Pollutant. Any substance including but not limited to 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, medical wastes, backwash from water filtration and industrial, municipal, and agricultural waste which, when discharged into water, results in Pollution or increases Pollution.

Pollution. The contamination of any Waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air, soil, or of the environment so as to produce or is likely to produce similar deleterious effects.

POTW. A publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). The term includes the Sewage Collection System, and the Sewage Treatment Plant.

Pretreatment. 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 the Sewer System . The reduction or alteration can be obtained by physical, chemical or biological processes, or by means of other process changes except as prohibited by 40 CFR §403.6(d).

Pretreatment Coordinator. Agent of the Authority designated to assist the Executive Director in the administration of the provisions of the Industrial Pretreatment Program, and so designated by that title.

Pretreatment Requirement. Any substantive or procedural requirement, other than a Pretreatment Standard, imposed on an Industrial User by Section 303(b) and (c) of the Act or associated regulations, the State, or the Industrial Pretreatment Program.

Pretreatment Standard. Prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

Process Wastewater. Any Wastewater resulting from the direct contact of water with any raw material, intermediate product, finished product, by-product, or waste during any manufacturing process, or water other than Non-contact Cooling Water which results from a manufacturing process.

Prohibited Discharge. Any Discharge which is prohibited under Section 4 paragraph 4.02 of this Resolution.

Prohibited Discharge Standard. Any regulation developed under Section 307(b) and (c) of the Act (33 USC 1317(b) and (c)) including prohibited discharge limits under 40 CFR §403.5. Prohibited Discharge Standards are included in the list of Prohibited Discharges in Section 4 paragraph 4.02 of this Resolution.

Qualified Analyst. Any Person who has demonstrated competency in the analysis of Wastewater by submission of their generally recognized documentation of competency to the Authority, or who has received an academic degree or professional certification of competency in the field of chemical and/or biological analysis of water and Wastewater.

Refrigeration. Maintenance of temperature for storage, preservation of food, or as a process of manufacturing.

Resolution (this Resolution). When capitalized, the term Resolution refers to this Resolution.

Sanitary Sewage. The normal water-carried Domestic Wastes from any improved property, but excluding: effluent from septic tanks or cesspools; rain, snow, or Stormwater; Groundwater; or other collected water from roofs, drains or basements.

Sanitary Sewer. A Sewer carrying only Sanitary Sewage or Industrial Wastes, and to which Stormwater, surface water or Groundwater are not intentionally admitted.

Sewage Collection System. All facilities of the Authority or any Contributing Municipality or Person party to a service agreement with the Authority or Contributing Municipality, as of any particular time, used or usable for collecting, transporting, pumping and disposing of Wastewater, which facilities are connected to and served by the Sewage Treatment Plant. The Sewage Collection System includes, but is not limited to, those facilities owned or operated by the College-Harris Joint Authority, the Patton-



Ferguson Joint Authority, the State College Sewer Authority and the Borough of State College.

Sewage Treatment Plant. That portion of the Sewer System owned and operated by the Authority, which is designed to provide treatment of Wastewater and discharge of treated effluent to the environment.

Sewer. A pipe or conduit for conveying Wastewater.

Sewer System. The Sewage Collection System, Sewage Treatment Plant, and any Sewers that convey Wastewater to the Sewage Treatment Plant. For the purposes of this Resolution, "Sewer System" shall also include any sewers that convey Wastewater to the Sewage Treatment Plant from Persons who are, by contract or agreement with the Authority or a Contributing Municipality, Users of the Sewer System.

Shall. When used in the Resolution, shall is mandatory, May is permissive.

Significant Industrial User. An Industrial User who (1) has a discharge flow of 25,000 gallons or more of Process Wastewater during a Normal Production Day; (2) Discharges Industrial Waste which makes up 5 percent or more of the average dry weather organic capacity of the Sewage Treatment Plant; (3) is regulated by Categorical Standards; or (4) is determined by the Authority to have the potential of adversely affecting the operation of the POTW, causing Interference or Pass Through, or of violating any Pretreatment Requirement or Prohibited Discharge Standard.

Significant Noncompliance. A Noncompliance which meets or exceeds standards of Significant Noncompliance determined by the Authority and contained in Paragraph 7.12 of this ordinance.

Significant Violator. Any Industrial User in Significant Noncompliance at any time during a calendar year.

Slug or Slug Load. Any Discharge at a flow rate or concentration that could cause a violation of the Prohibited Discharge Standards in Section 4.02 of this ordinance; or any Discharge of a non-routine, episodic nature, including but not limited to an accidental Spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the Authority's regulations, Local Limits or NDPES Permit conditions.

Spill. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental Spill or a deliberate or accidental non-customary or unauthorized batch Discharge, or the control or cleanup activities associated with such an occurrence. A Spill may result from the emptying, spilling, overflowing, rupture, or leakage of any storage, process, or transfer container, whether purposeful or accidental.

Spill and Slug Control Plan. A plan prepared by an Industrial User to minimize the likelihood, duration and intensity of a Slug Load or Spill and to expedite control and cleanup activities should a Slug Load or Spill occur.

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.

State. Commonwealth of Pennsylvania.

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

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.

Superintendent. The Person designated by the Authority to supervise the operation of the Sewage Treatment Plant, or his duly authorized representative.

Total Solids. The sum of the dissolved and undissolved solid constituents of water or Wastewater.

Total Toxic Organics. The sum of all quantifiable values of various organic pollutants as determined by the Authority or, for certain Categorical Industrial Users, as defined in the applicable Categorical Standard.

Toxic Organic Management Plan. A plan submitted in lieu of testing for Total Toxic Organics in which an Industrial User specifies methods of control to assure that Total Toxic Organics do not routinely enter the Sewer System.

Toxic Pollutants. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of the Act, or other acts, or is present in sufficient quantity, either singly or in combination with other Wastewater, so as to present risk of causing Interference or Pass Through, causing harm to humans, animals or plants, or creating a hazard to Persons or property, either in the Sewage Collection System, the Sewage Treatment Plant, or the environment into which it is released.

Unauthorized Discharge. Discharge of an Unauthorized Waste, or a Discharge which otherwise is not in Compliance with the requirements of the Industrial Pretreatment Program or other Rules or Regulations of the Authority or a Contributing Municipality.

Unauthorized Waste. Any substance which is Discharged into the Sewer System and which is not in Compliance with the provisions of the Industrial Pretreatment Program, or which is Discharged by a Person in violation of any of the provisions of this Resolution or the provisions of the ordinances of a Contributing Municipality.

User. Any Person who contributes, causes or permits the Discharge of Wastewater into the Sewer System.

Wastewater. Industrial Wastes or Domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any Groundwater, surface

water, and Stormwater that may be present, whether treated or untreated, which enters the Sewer System.

Waters of the State. 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 State or any portion thereof.

Wastewater Discharge Permit. As set forth in Section 6 of this Resolution.

## SECTION 4 - PROHIBITED WASTES AND POLLUTANT LIMITATIONS

### 4.01 Discharge of Stormwaters

No Person shall Discharge or cause or permit to be Discharged any Stormwater, surface water, Groundwater, roof water, subsurface drainage, or building foundation drainage into any Sanitary Sewer.

### 4.02 Prohibited Discharges

No User shall Discharge or cause to be Discharged, directly or indirectly, any Pollutant or Wastewater which will cause or contribute to Pass Through or Interference with the operation or performance of the Sewer System. These general prohibitions apply to all Users whether or not the Users are subject to Categorical Standards, National Prohibited Discharge Standards, or any other Pretreatment Requirements. No Person shall Discharge the following substances to the Sewer System:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Sewer System or to the operation of the Sewer System. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5 %) nor any single reading over ten percent (10 %) of the Lower Explosive Limit (LEL) of the meter. At no time shall the closed cup flashpoint of the Wastewater be less than 140 degrees Fahrenheit (60 degrees Celsius) using test methods specified in 40 CFR §261.21 Prohibited materials include, but are not limited to, the following substances in concentrations which cause Noncompliance with the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates, and carbides.

B. Solid or viscous substances which may cause obstruction to the flow in a Sewer or other Interference with the operation of the Sewer System, 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, gas,

tar, asphalt residues, residues from refining or processing of fuel or lubricating mud, or glass grinding or polishing wastes.

C. Any Wastewater having a pH less than 6.0 or higher than 10.0, or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Sewer System.

D. Any Wastewater containing Toxic Pollutants in sufficient quantity, either singly or by interaction with other constituents of the Wastewater, to injure or interfere with any Wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect the receiving waters of the Sewage Treatment Plant, or to exceed the an applicable Categorical Standard.

E. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other substances present in the Sewer System are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the Sewer System for maintenance and repair.

F. Any substance which results in the formation or release of toxic gases, vapors, or fumes in a quantity that may cause worker health and safety problems.

G. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.

H. Fats, oils, greases, or waxes of animal or vegetable origin in amounts which will cause Interference or Pass Through.

I. Any substance which may cause the Sewage Treatment Plant's effluent or any other product of the Sewage Treatment Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the Sewer System cause the Sewage Treatment Plant to be in noncompliance with sludge use or disposal 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 method being used.

J. Any substance which will cause the Authority to violate its NPDES and/or State Collection System Permit or applicable receiving water quality standards.

K. Any Wastewater with objectionable color which will Pass Through the Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions.

L. Any Wastewater having a temperature which will inhibit biological activity in the Sewage Treatment Plant resulting in Interference, but in no case Wastewater with a temperature at the Discharge into the Sewer System which exceeds 104° F (40° C).

M. Any Pollutants, including oxygen demanding Pollutants (BOD, etc.) released at a flow rate and/or Pollutant concentration which will cause Interference to the Sewage Treatment Plant or interfere with the operation of the Sewer System.

N. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority or applicable State or federal regulations, cause Interference, or otherwise adversely impact the POTW or cause or contribute to Pollution.

O. Any trucked or hauled Wastewater or Pollutants except those Discharged at points designated by the Authority.

P. Any Wastewater which is incompatible with treatment processes in use at the Sewage Treatment Plant so as to cause Interference or Pass Through.

Q. Any Wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acid, or other persistent herbicides, pesticides or rodenticides.

R. Any Infectious Waste.

#### 4.03 Unauthorized Discharges

Discharge of any prohibited substance listed under paragraph 4.02 shall be considered an Unauthorized Discharge and the Authority may take whatever steps are necessary to halt such a Discharge, as set forth in Sections 7 and 8 of this Resolution.

#### 4.04 Categorical Standards

If the Categorical Standards for a particular Industrial User are more stringent than Local Limits or other Pretreatment Requirements imposed under this Resolution, then the Categorical Standards shall apply. The National Categorical Pretreatment Standards are hereby incorporated into the Industrial Pretreatment Program as program requirements for those Industrial Users subject to such Categorical Standards.

#### 4.05 Removal Credits

Where the Sewage Treatment Plant achieves consistent removal of Pollutants limited by Categorical Standards, the Authority may, at its sole discretion, apply to the Approval Authority for modification of specific limits in the Categorical Standards as provided for in 40 CFR §403.7

#### 4.06 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 established under this Resolution.

#### 4.07 Local Limits

The Authority may establish, review, and revise from time to time, Local Limits regulating the Discharge of specific Pollutants by Industrial Users.

A. Local Limits may be established for any substance which is Discharged, or is likely to be Discharged, to the Sewer System.

- B. Local Limits may limit concentration, mass, or a combination of the two.
- C. The procedure for the calculation of Local Limits may be as recommended by the Approval Authority or otherwise considered appropriate by the Authority.
- D. Local Limits shall be calculated for Pollutants, as deemed necessary, to prevent Interference and Pass Through. In addition, Local Limits may be calculated to prevent the Discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical, or biological damage to the Sewer System; or for such other purposes as the Authority deems appropriate.
- E. Local Limits are applicable to all Significant Industrial Users and may be included in Wastewater Discharge Permits. Local Limits may be applied to other Industrial Users as deemed appropriate by the Authority.
- F. Discharging any Pollutant by a Significant Industrial User, or an subject to a Local Limit, in excess of a Local Limit established for constitute an Unauthorized Discharge.

#### 4.08 Prohibition on Dilution

No Industrial User shall, in any way, attempt to dilute a Discharge as a partial or complete substitute for adequate Pretreatment to achieve compliance with the limitations contained in applicable Categorical Standards, or in any other pollutant-specific limitation, including Local Limits, developed by the Authority or State.

#### 4.09 Slug Loads and Spills

Each Industrial User shall provide protection from Spills or Discharges that result in Slug Load Discharges. Facilities to prevent Spills and Slug Loads shall be provided and maintained at the Owner's or Industrial User's own cost and expense.

- A. Notification. In the case of a Spill or Slug Load the Industrial User shall immediately telephone and notify the Superintendent of the incident. The notification shall include location of Discharge, type of waste, concentration, and volume, corrective actions being taken or planned, and expected duration. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Sewer System, fish kills, or any other damage to Person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Resolution or applicable law.
- B. Notice to Employees. A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call (ie., the Superintendent) in the event of a Spill or Slug Load. Employers shall insure that all employees who may cause, suffer or observe such a Discharge to occur are advised of the emergency notification procedure.
- C. Written Notice. Within five (5) days following a Spill or Slug Load the Industrial User shall submit to the Authority a detailed written report describing the cause of the Discharge and the measures to be taken by the Industrial User to prevent similar future

occurrences. Such notification shall not relieve the Industrial User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the Sewer System, fish kills, or any other damage to Person or property; nor shall such notification relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Resolution or applicable law. This written notice requirement may be waived by the Authority for any Industrial User which is not required to submit a plan under Subsection D, below.

D. Spill and Slug Control Plans. Within one hundred and eighty days of the adoption of this Resolution, all existing Significant Industrial Users shall complete and obtain approval of a Spill and Slug Control Plan, or provide acceptable evidence that such a Plan is not necessary for their facility. No Significant Industrial User who commences Discharge to the Sewer System after the effective date of this Resolution shall be permitted to introduce Pollutants into the Sewer System until this requirement has been fulfilled. The Authority, at its discretion, may require that a Spill and Slug Control Plan be developed by any other Industrial User. Spill and Slug Control Plans for Significant Industrial Users shall, at a minimum, contain the following elements as specified in 40 CFR §403.8(f)(2)(vi)(A)-(D):

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the Authority of any Spill or Slug Load, as described in part A of this paragraph.
- d. Procedures to prevent adverse impact from any Spill or Slug Load. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

Spill and Slug Control Plans shall be submitted to the Authority for review, and shall be approved by the Authority before implementation of the Plan or construction of any required facilities. Review and approval of such Plans, facilities and operating procedures by the Authority shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of the Industrial Pretreatment Program. The review and approval of plans and procedures by the Authority shall not be considered as an approval or determination regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the Industrial User.

E. Facility Changes Affecting Slug Control. All existing Significant Industrial Users shall immediately report any changes to their facility, processes, or procedures that would affect the potential for a Slug Load to occur. The Authority may require additional Slug Control measures or procedures be implemented and/or a new or modified Spill and Slug Control Plan to be submitted to address any additional risk associated with these changes. Neither the additional notification nor the implementation of any required changes shall relieve the Industrial User of any expense, loss, damage, or other liability which may be

incurred as a result of damage to the Sewer System, fish kills, or any other damage to Person or property; nor shall such actions relieve the Industrial User of any fines, civil penalties, or other liability which may be imposed by this Resolution or applicable law should a Slug Load occur.

#### 4.10 Drainage of Water Filtration Systems

Discharge of filter backwash water to the Sewer System shall be regulated as follows:

A. Granular media (e.g., sand) filter backwash water may be Discharged to the Sewer System, subject to all of the applicable provisions of this Resolution.

B. Diatomaceous earth filter backwash, if Discharged to the Sewer System, shall be connected to the Sewer System through settling tanks with no less than three (3) months storage capacity of spent diatomaceous earth, which tanks shall be accessible for removing solid waste for disposal.

#### 4.11 Trucked and Hauled Wastes

A. Discharge of trucked or hauled wastes shall only be made at a point designated by the Authority.

B. Such wastes may be required to conform to all requirements of the Industrial Pretreatment Program regarding Prohibited Discharges, regulated characteristics, Local Limits, or other requirements as to nature, and concentration.

C. No trucked or hauled wastes may be Discharged except as specifically approved by the Authority. The Authority may require testing, reporting, or other specific information to be presented by the Operator or Owner prior to Discharge.

D. In order to implement the provisions of part C of this paragraph, the Authority may establish a permit system or other means of control, and may set rate, frequency, volume, or other controls on the Discharges from such vehicles.

#### 4.12 Grease and Sand Traps

Grease, oil, and sand interceptors or traps shall be provided by a User when the Authority determines that such devices are necessary for the proper handling of Wastewaters containing greases, oils, or settleable solids. Interceptors and traps shall be installed, operated, maintained, and cleaned properly, so that they will consistently remove the grease, oil, or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur, and shall be located as to be readily and easily accessible for cleaning and inspection.

#### 4.13 Notification Requirements - Hazardous Wastes and Hazardous Substances

A. All Industrial Users shall notify the Authority, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Resources, Bureau of Waste Management, in writing, of any discharge into the POTW of a



substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification shall 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, the notification shall also include the following information, to the extent that it is known and readily available to the Industrial User:

- (1) An identification of the hazardous constituents contained in the waste;
- (2) An estimation of the mass and concentration in the Wastewater of all such constituents discharged in the most recent month; and
- (3) An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve months.

B. Industrial Users that commence Discharge of a hazardous waste after the effective date of this Resolution shall submit the report within 180 days of first Discharge of the hazardous waste, except as provided in part D of this paragraph. If the new Discharge constitutes a change in the character of the Industrial Waste, the Industrial User shall also comply with the requirements of Section 6, paragraph 6.20 of this Resolution. In the case of any new regulations under 40 CFR Part 261 identifying additional wastes as characteristic or listed hazardous waste, the Industrial User discharging such substances shall submit the report within 90 days of the effective date of the new regulations.

C. The required report need be submitted only once for each hazardous waste discharged. Industrial Users regulated under Categorical Standards which have already submitted such information in baseline monitoring reports or periodic compliance reports do not have to report this information again.

D. Industrial Users that Discharge less than fifteen (15) kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e).

E. An Industrial User shall notify the Authority within 5 days of becoming aware of any Discharges of reportable quantities of listed or unlisted Hazardous Substances, as defined at 40 CFR §302.4 (CERCLA Hazardous Substances). This notification shall include the time of release; the name of the substance; the identifying CAS number, if known; and the approximate quantity Discharged. If the Discharge constitutes a Spill, change in Wastewater constituents, or Slug Load, other reporting requirements of the Industrial Pretreatment Program may also apply.

F. Each notification required by this section shall include a statement certifying that the Industrial User has a program in place to reduce the volume and/or toxicity of the Discharged wastes to the extent that it is economically practical. This statement shall be signed by the Authorized Representative of the Industrial User.

G. Authority agrees to notify the appropriate Contributing Municipality and the Centre Region Emergency Management director of any Spill or Slug Load relating to a Discharge of hazardous waste and substances under this section.

## SECTION 5 - FEES

### 5.01 Purpose

It is the purpose of this section to provide for the recovery of costs from Industrial Users of the Sewer System for the implementation of the Industrial Pretreatment Program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees (Rate Resolution).

### 5.02 Establishment of Fee Schedule

The Authority may establish a system of rates and charges for implementation of the Industrial Pretreatment Program, which shall be applicable to all Users of the Sewer System or to such Industrial Users as determined by the Authority in its sole discretion. Such a system of rates is incorporated herein by reference and made a part hereof. Such a system of rates and charges may be changed from time to time by resolution.

## SECTION 6 - PERMITS AND REPORTS FOR INDUSTRIAL WASTE DISCHARGED INTO THE SEWER SYSTEM

### 6.01 Requirement for Wastewater Discharge Permits

A. Discharge of any Industrial Waste to the Sewer System without a Wastewater Discharge Permit, except as authorized by the Authority in accordance with the provisions of this Resolution, is an Unauthorized Discharge and subject to the penalties provided herein.

B. The Authority reserves the right, at its sole discretion, to deny the issuance of a Wastewater Discharge Permit, or to issue such a Permit conditionally.

### 6.02 Significant Industrial Users

A. All Significant Industrial Users proposing to connect to or to Discharge to the Sewer System shall obtain a Wastewater Discharge Permit before connecting to or Discharging to the Sewer System.

B. All Significant Industrial Users connected to or Discharging to the Sewer System as of the effective date of this Resolution shall apply for a Wastewater Discharge Permit within ninety (90) days of adoption, if such application has not already been made.

### 6.03 Other Industrial Users

Except as otherwise required by the Authority on a case-by-case basis, Industrial Users that are not Significant Industrial Users do not require a Wastewater Discharge Permit, but are required to comply with all other provisions of this Ordinance. If an Industrial User makes changes to processes, flow, Wastewater concentration, Wastewater characteristics, or other changes which result in the Industrial User meeting the definition of Significant Industrial User, the Industrial User shall, immediately upon becoming aware that such a change has occurred, or ninety (90) days prior to such a change if it is planned, notify the Authority and apply for a Wastewater Discharge Permit. The Authority, at its discretion, may modify the timeframe for submission of a permit application and may require any non-Significant Industrial Users to apply for and obtain a Wastewater Discharge Permit, as the Authority deems appropriate.

#### 6.04 Permit Applications

Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Authority an application in the form prescribed by the Authority and accompanied by the fee prescribed in the Schedule of Charges and Fees (Rate Resolution). A new facility planning to Discharge to the Sewer System shall make such submission prior (e.g., 90 days in advance) to the date it intends to connect to or Discharge to the Sewer System so as to provide ample time for the permitting process. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- A. Name, address, and location, (if different from the address);
- B. SIC number or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics as required by the Authority, as determined by a Qualified Analyst;
  - (1). Sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended, or as approved by EPA and the Authority;
  - (2). Sample results shall be accompanied by a signed statement of the Authorized Representative that the samples analyzed are representative of a Normal Production Day;
- D. Each product by type, amount, process or processes and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- G. Time and duration of Wastewater or Industrial Waste contribution;
- H. Average daily and 30 minute peak Wastewater flow rates, including daily, monthly, and seasonal variation if any;

- I. Site plans, floor plans, mechanical and plumbing plans and details to show all floor drains, Building Sewers, Sewer connections, and appurtenances by the size, location and elevation;
- J. Description of activities, facilities and plant processes on the premises including all materials which are or could be Discharged;
- K. The nature and concentration of any Pollutants in the Discharge that are limited by any Authority, State, or National Pretreatment Requirement (including Local Limits); Prohibited Discharge Standard; or Categorical Standards; and a statement regarding whether or not the Categorical Standard, Prohibited Discharge Standard or Pretreatment Requirements are being met on a consistent basis and, if not, how the Industrial User proposes to meet the applicable Standards or other Pretreatment Requirements, including whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the applicable Standard or Requirement. If applicant is a Categorical Industrial User, this statement shall be signed by a Certified Professional.
- L. If additional Pretreatment and/or O&M will be required to meet Categorical Standards, Prohibited Discharge Standard, or Pretreatment Requirements (including Local Limits), the shortest schedule by which the Industrial User will provide such additional Pretreatment shall be developed and submitted. The completion date of schedule for any Categorical Standard shall not be later than the compliance date established for the applicable Categorical Standard. The following conditions shall apply to this schedule:
- (1). 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 Industrial User to meet the applicable Categorical Standards or other Pretreatment Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
  - (2). For Compliance with a Categorical Standard, no increment referred to in subparagraph (1) shall exceed 9 months.
  - (3). Not later than 14 days following each date in the schedule pertaining to compliance with a Categorical Standard and the final date for compliance, the Industrial User shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than 9 months elapse between such progress reports to the Authority.
- M. Any other information as may be deemed by the Authority to be necessary to evaluate the application.

N. The application shall be signed and attested to an Authorized Representative of the Industrial User.

The Authority will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to terms and conditions provided herein, or may deny issuance of a Wastewater Discharge Permit, in which case the proposed Discharge is prohibited.

#### 6.05 Confidentiality of Applications

A. All information required by the Authority in the Permit application shall be provided by the Industrial User to the best of its ability.

B. If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the Industrial User, such information shall be clearly marked "confidential" on the application form.

C. Confidentiality shall not apply to information regarding the flow of or the constituents in the Industrial Waste or other Wastewater Discharge.

D. Information accepted by the Authority as confidential shall be handled as detailed in paragraph 6.19 of this Section.

#### 6.06 Wastewater Discharge Permit Conditions

A. Wastewater Discharge Permits are hereby expressly subject to all provisions of this Resolution and all other applicable regulations, User charges and fees established by the Authority. Permits shall contain the conditions specified in 40 CFR §403.8(f)(1)(iii). Permits may contain, but are not limited to, the following:

- (1) Limits on the average and maximum Wastewater constituents and characteristics, including Local Limits and/or Categorical Standards, as applicable;
- (2) List of Prohibited Discharges, as presented in Section 4 of this Resolution;
- (3) Requirements for submission of technical reports or Discharge reports, including the information to be contained and the signatory requirements of these reports;
- (4) Specifications for monitoring programs which may include the specific substances to be analyzed, sampling locations, frequency of sampling, number, types and standards for tests, toxicity testing, and reporting schedules;
- (5) Requirements for maintaining and retaining records relating to Industrial Waste and Wastewater Discharges and characteristics as specified by the Authority, and affording the Authority access thereto;

- (6) Requirements for notification to the Authority of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being Discharged into the Sewer System;
- (7) Requirements for notification of Slug Loads and Spills as per Section 4, paragraph 4.09;
- (8) Statement of duration of the Wastewater Discharge Permit, as provided in paragraph 6.08 of this Section;
- (9) Notification of the rules regarding transferability, as stated in paragraph 6.07 of this Section;
- (10) Notification of penalties provided for Noncompliance as contained in Sections 7 and 8 of this Resolution, or otherwise available to the Authority;
- (11) Requirements pertaining to modification, suspension, and termination of the Wastewater Discharge Permit, and appeal procedures;
- (12) Limits on average and maximum rate and time of Discharge or requirements for flow regulation and equalization;
- (13) Requirements for installation and maintenance of inspection and sampling facilities;
- (14) Requirements for installation and maintenance of Pretreatment facilities;
- (15) Requirements for developing and implementing special plans or practices such as Toxic Organic Management Plans, Toxic Reduction Evaluations, special management or housekeeping practices, or other such procedures;
- (16) Compliance schedules;
- (17) The unit charge or schedule of charges and fees; and
- (18) Other conditions as deemed appropriate by the Authority to ensure compliance with this or any other applicable ordinance and applicable federal, State and local Pretreatment Requirements.

B. A Wastewater Discharge Permit, in addition to implementing requirements as mandated by federal pretreatment regulations, may be a means for the Authority to implement other requirements in accordance with federal, state and local law. Implementation and enforcement of such provisions shall be at the discretion of the Authority.

6.07 Transferability of Permits

Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new Person, new Industrial User, different premises, or a new or changed operation without approval of the Authority. If such a transfer is approved by the Authority, the existing Owner or Operator shall provide a copy of the Wastewater Discharge Permit to the new Owner or Operator. Any succeeding Industrial User shall also comply with the terms and conditions of the existing Wastewater Discharge Permit. The Authority may, at its discretion, deny the transfer of a Wastewater Discharge Permit and require application for a new Wastewater Discharge Permit under the provisions of this Section.

6.08 Duration and Modification of Wastewater Discharge Permits

A. Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period of less than five years or may be dated to expire on a specific date. Except as otherwise approved by the Authority, the Industrial User shall apply for reissuance of the Wastewater Discharge Permit to the expiration of the Industrial User's existing Wastewater Discharge Permit

B. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Authority during the term of the Wastewater Discharge Permit as limitations or requirements as identified in Section 4, are modified or other just cause exists, including but not limited to the following:

- (1) Noncompliance with any term or condition of the Wastewater Discharge Permit and/or any requirement set forth in an applicable pretreatment ordinance, regulation or rule;
- (2) Obtaining a Wastewater Discharge Permit by misrepresentation or failure to disclose fully all relevant facts in either the permit application or any report, including the falsification of self-monitoring reports or the tampering with monitoring equipment;
- (3) Promulgation of more stringent standards under federal, State or local law , including the adoption of new or revised pretreatment resolution by the Authority;
- (4) Changes in the processes used by the Permittee or changes in the volume or character of the Industrial Waste;
- (5) Changes in the design or capability of the POTW, or changed or new NPDES permit requirements, or sludge disposal requirements;
- (6) A change in any condition that requires a temporary or permanent reduction or elimination of the Discharge;
- (7) Failure to allow timely access to the Industrial User's facility or records;

- (8) Failure to timely pay fines, fees, or applicable sewer charges assessed by the Authority; and
- (9) Other such conditions as determined to be appropriate the Authority.

#### 6.09 Delayed Permit Renewal

A. If the Industrial User has complied with the terms of the Wastewater Discharge Permit and this Resolution, and has applied for renewal as provided for in paragraph 6.08 of this Section, and the Wastewater Discharge Permit is not renewed on or before the expiration date through no fault of the Industrial User, then the existing Wastewater Discharge Permit shall remain in effect until it is re-issued or rescinded by the Authority, provided that the Wastewater Discharge Permit shall not remain in effect for more than five years.

B. If the Wastewater Discharge Permit is not renewed because of a failure of the Industrial User to apply for renewal in a timely fashion, as a result of an incomplete or incorrect application, or through an act or omission of the Industrial User, then Discharge of Industrial Waste by the Industrial User without a Wastewater Discharge Permit is an Unauthorized Discharge.

#### 6.10 Appeal of Wastewater Discharge Permits

A. Any Industrial User that is issued or reissued a Wastewater Discharge Permit may appeal the Permit conditions or requirements, in whole or in part. If a Wastewater Discharge Permit is modified during its effective term, the Industrial User may appeal only the conditions or requirements which have been changed. Appeal procedures applicable to these permit actions, as well as suspension, revocation, or denial of issuance of a Wastewater Discharge Permit, shall be as set forth in Section 7 paragraph 7.07 of this Resolution.

B. During the process of appeal, the Wastewater Discharge Permit shall remain effect and shall be subject to potential enforcement unless, upon the request of Permittee, the Authority grants a stay of specified Permit condition(s) or requirement(s). Pursuant to Section 7 paragraph 7.07, conditions and requirements imposed by federal or State Regulations (e.g. -Categorical. Standards) shall not be appealed or stayed. Conditions or requirements which, in the opinion of the Authority, would constitute a hazard or pose a potential threat of Pollution, if stayed, shall not be stayed during an appeal. Grant of a stay of Permit conditions is at the discretion of the Authority.

#### 6.11 Baseline Monitoring Reports

A. Where an Industrial User, subject to a newly promulgated Categorical Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Section 6 paragraph 6.04, the Industrial User shall, within 180 days after the promulgation of the applicable Categorical Standard:

- (1) Apply for a Wastewater Discharge Permit;



(2) Provide the baseline monitoring information required by 40 CFR §403.12(b). This information may be incorporated into the application for a Wastewater Discharge Permit; and

(3) Provide a compliance schedule for meeting the Pretreatment Standards as required by 40 C.F.R. §403.12(c) if such a schedule is required. The requirements of such a compliance schedule are described in paragraph 6.04, part L of this Section.

B. An Industrial User with an existing Wastewater Discharge Permit shall submit to the Authority within 180 days after the promulgation of an applicable Categorical Standard the information required by 40 CFR § 403.12(b).

C. A New Source, or an Industrial User that becomes a Categorical Industrial User through a change in facilities or processes, shall submit a report containing the information required by 40 CFR § 403.12(b) at least 90 days prior to commencement of Discharge from the regulated process or facility.

D. Baseline Monitoring Reports shall be signed and certified by an Authorized Representative in accordance with 40 C.F.R. §§ 403.12(b)(6) and 403.6(a)(2)(ii).

#### 6.12 Categorical Compliance Report

Within 90 days following the date for final compliance with applicable Categorical Standards or, in the case of a New Source, following commencement of the Discharge of Industrial Waste from processes regulated by Categorical Standards into the Sewer System, any Industrial User subject to Categorical Standards shall submit to the Authority a report indicating the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Categorical Standards and the average and maximum daily flow for those process units in the Industrial User's facility which are limited by such Categorical Standards. The report shall certify that the information contained therein concerning Wastewater constituents and flows is representative of discharges during a Normal Production Day. The report shall state whether the applicable Categorical Standards are being met on a consistent basis and, if not, what additional Operation and Management practices and/or Pretreatment is necessary to bring the Industrial User into compliance with the applicable Categorical Standards, including a schedule for completion of the required actions in the form described in paragraph 6.04, part L, of this Section. This statement shall be signed by an Authorized Representative of the Industrial User, and certified to by a Certified Professional.

#### 6.13 Periodic Compliance Reports

A. All Significant Industrial Users shall report to the Authority at least twice a year, the date of the report to be as determined by the Authority and contained in the Wastewater Discharge Permit or other official notification. Reports may be required more frequently, if deemed necessary by the Authority.

B. The reports required under this Section shall contain the information required by 40 C.F.R. § 403.12(e), 403.12(g), and/or 403.12(h), as applicable including, at a

minimum, the measured concentrations of all Pollutants regulated by Categorical Standards or otherwise regulated by the Wastewater Discharge Permit, a record of any measured daily flows, and a statement of accuracy and completeness signed and certified by the Authorized Representative of the Significant Industrial User in accordance with 40 C.F.R. §§ 403.12(1) and 403.6(a)(2)(ii). Reports shall also contain any other information as required by the Authority. In cases where the Wastewater Discharge Permit or Categorical Standard requires compliance with a narrative standard, Best Management Practice (BMP), or pollution prevention alternative, the Significant Industrial User must submit all documentation necessary to determine its compliance status, including all documentation specified by the Authority and the Categorical Standard. The Authority may require that reporting forms it may have provided to the Industrial User for use in meeting this reporting requirement shall be used.

C. For Significant Industrial Users subject to Categorical Standards, if discharge limits are based on mass units per production unit, then production information regarding the regulated processes during the reporting period shall be included in the report, along with flow and concentration values, so that a determination of Compliance or Noncompliance with Categorical Standards can be made.

D. For Significant Industrial Users subject to Categorical Standards, the certification of Compliance with those Standards, signed by a Certified Professional.

#### 6.14 Sampling and Analysis

A. Each Industrial User shall perform Wastewater sampling and analyses in accordance with its Wastewater Discharge Permit or as otherwise directed by the Authority.

B. All sampling and analysis performed by the Industrial User in Compliance with Wastewater Discharge Permit conditions, to prepare the reports required in paragraphs 6.11, 6.12, 6.13 and 6.15 of this Section, or as otherwise required by the Authority, shall be accomplished using techniques specified in 40 CFR Part 136 and amendments thereto or alternative procedures approved by the Authority and the Administrator, and performed by a Qualified Analyst. Unless otherwise required, all sampling should be performed during a Normal Production Day and should reflect the usual and typical Wastewater Discharge of the User during the period of the report. In addition, the sampling must comply with the requirements specified in 40 CFR 403.12(g)(3) as follows:

- a. Except as indicated in Section b and c below, the User shall collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance documents, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in

the laboratory (but not in the field). In some cases, grab samples may be required to show compliance with Instantaneous Limits.

- b. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds shall be obtained using grab collection techniques.
- c. For sampling required in support of Baseline Monitoring Reports and 90-day Categorical Compliance Reports (paragraphs 6.11 and 6.12 of this section) a minimum of four (4) grab samples shall be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the all other purposes, including routine monitoring and resampling in preparation of a Routine Compliance Report (paragraph 6.13 in this section) the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance with applicable Categorical Standards and Industrial Discharge Permit requirements.

C. The Industrial User may monitor more frequently than otherwise required by the Authority. If the Industrial User monitors any Pollutant, subject to an effluent limitation and at the location designated for compliance monitoring more frequently than otherwise required by the Authority using the procedures set forth in 40 CFR Part 136 or otherwise required, the results of such monitoring shall be included in the calculation and reporting of the data submitted to the Authority.

D. Where the Authority performs the sampling or collects the required information herein, the Authority may waive the corresponding reporting requirement as provided in 40 CFR §§ 403.12(g) and 403.12(h).

E. The Industrial User shall ensure that all monitoring and analytical equipment it uses to monitor or otherwise analyze the Pollutants Discharged to the Sewer System are periodically calibrated and maintained at intervals which ensure the accuracy of measurements.

F. If sampling results indicate that the Industrial User has exceeded an effluent limitation, the Authority may require the Industrial User to undertake increased sampling. Upon notification from the Authority, the Industrial User shall undertake such additional monitoring as directed. All sampling and analysis performed in compliance with Wastewater Discharge Permit conditions or to prepare the reports required in paragraphs 6.11, 6.12, 6.13 and 6.15 of this Section shall be accomplished using techniques specified in 40 CFR Part 136, or alternative procedures approved by the Authority and Administrator.

#### 6.15 Reporting and Resampling of Discharge Limit Violations

A. If, upon receipt of valid sampling and testing results, a Significant Industrial User becomes aware that a Noncompliance with Discharge limits has occurred, the Significant Industrial User shall, within 24 hours of becoming aware of the violation, notify the Authority of this fact. Within 30 days of becoming aware of the Noncompliance, the

Significant Industrial User shall also sample and analyze its Discharge(s) for each parameter found to be in Noncompliance and report the results of the re-sampling and analysis to the Authority. This resampling and reporting requirement may be waived by the Authority provided that the conditions in 40 CFR §403.12(g)(2) are satisfied.

B. Each Significant Industrial User shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any Wastewater Discharge Permit condition has been violated. Failure to examine and compare testing results with Wastewater Discharge Permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

#### 6.16 Monitoring Facilities

A. The Authority may require an Industrial User to provide and operate at the Owner's or Industrial User's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Wastewater or Industrial Waste Discharge. The monitoring facility should normally be situated on the Industrial User's premises, but the Authority may, when such a location would be impractical or cause undue hardship on the Industrial 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, provided that such location is acceptable to the appropriate Contributing Municipality.

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 Industrial User.

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

#### 6.17 Inspections

The Authority, the Contributing Municipality, and their duly authorized employees and representatives, may enter and inspect the facilities of any User to ascertain whether the purpose of this Resolution is being met and all requirements are being complied with. Persons or occupants of premises where Wastewater is created or Discharged shall allow the Authority or its representatives ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination, and copying or in the performance of any of their duties. Areas which are subject to inspection include, but are not limited to, areas which could result in Wastewater Discharge to the Sewer, such as manufacturing areas and chemical storage areas, areas where Industrial Waste is generated, Pretreatment facilities, Spill prevention and control facilities, hazardous waste generation areas, industrial self-monitoring facilities, and areas where relevant documentation is kept or stored. The Authority and Approval Authority and their agents 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. Where a User

has security measures in force which would require proper identification and clearance before entry onto their premises, the User *shall* make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Authority, Contributing Municipality and Approval Authority will be permitted to enter, without delay, for the purpose of performing their specific responsibilities. It shall not be inferred, however, that the Authority or Contributing Municipality is authorized to enter upon property of any Industrial User under this section for any purpose in the event such entry is not otherwise allowable under Pennsylvania law.

#### 6.18 Pretreatment Facilities

Industrial Users shall provide necessary Wastewater Pretreatment as required to comply with this Resolution and shall achieve Compliance with all applicable Categorical Standards within the time limitations as specified by the applicable Categorical Standards and, for other Pretreatment Requirements, shall achieve Compliance as specified by the State or Authority, whichever is more stringent. Any facilities required for Pretreatment shall be provided, operated, and maintained at the Industrial User's expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the Industrial User from the responsibility of modifying the facility as necessary to produce a Discharge which complies with the provisions of this Resolution. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the Industrial User's initiation of the changes. The review and acceptance of plans and procedures by the Authority shall not be considered as an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the Industrial User.

#### 6.19 Confidentiality

A. Information and data on an Industrial User obtained from reports, questionnaires, Wastewater Discharge Permit applications and monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information, processes or methods of production are entitled to protection as trade secrets of the Industrial User.

B. When requested by the Person furnishing a report, and supported by evidence acceptable to the Authority as to need for protection as confidential material, the portion 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 request to governmental agencies for uses related to this Resolution, the Authority's NPDES Permit, any State permit and/or the Industrial Pretreatment Program; provided, however, that such portions of a report shall be available for use by the EPA, the State or any State agency in judicial review or enforcement proceedings involving the Person furnishing the report. Wastewater and Industrial Waste constituents and characteristics shall not be recognized as confidential information.

C. When information accepted by the Authority as confidential is transmitted to any government agency, a notification to the Industrial User may be provided listing the

confidential information transmitted; and the governmental entity requesting it. The person seeking confidentiality protection of the information shall bear the burden of demonstrating to the other governmental agency that such information is entitled to confidential protection.

#### 6.20 Change in Operations

A. Any Industrial User contemplating or planning a change in the manufacturing process, raw materials, auxiliary processes, Pretreatment processes or other changes which may result in changes to Wastewater character, composition, volume or rate of flow, shall notify the Authority in writing at least 30 days prior to making such a change, or if the change is not planned 30 days or more in advance, immediately upon the decision to make such a change. The report shall include all information necessary to determine the effect on the Wastewater of the change.

B. In the event that an Industrial User discovers that changes in raw materials, potable water quality, or other factors beyond its control have occurred so that the constituents or character of the Industrial Waste Discharge has changed, the User shall report such information in writing to the Authority immediately upon such discovery. If such a change constitutes a Slug Load, other reporting requirements under Section 4 paragraph 4.09 may apply.

C. The Authority may, on receipt of such a report:

- (1). Continue an existing Wastewater Discharge Permit in effect;
- (2). Require application for a new Wastewater Discharge Permit;
- (3). Modify an existing Wastewater Discharge Permit to reflect the changed nature of the waste;
- (4). Rescind and re-issue an existing Wastewater Discharge Permit in order to make substantial changes in Wastewater Discharge Permit conditions;
- (5). Revoke an existing Wastewater Discharge Permit or require the Industrial User to cease or prevent the Discharge; or
- (6). Take such other action as it deems appropriate.

#### 6.21 Records

A. All Industrial Users shall keep and maintain records of monitoring activities and results, Wastewater Discharge Permits, and reports to the Authority, including records and reports indicating compliance with narrative standards and Best Management Practices, where applicable, in accordance 40 C.F.R. § 403.12(o), for a minimum of 3 years. This period automatically extended for the duration of any litigation concerning compliance

with this Resolution, or where the Industrial User has been notified of a longer retention period by the Authority.

B. The Industrial User shall furnish the Authority, within a reasonable time, any information which the Authority may request to determine whether cause exists for modifying, reissuing, suspending or revoking a Wastewater Discharge Permit or to determine Industrial User compliance. The Industrial User shall also furnish to the Authority, upon request, copies of records required to be kept.

C. Where the Industrial User becomes aware that it failed to submit any relevant facts in an application for a Wastewater Discharge Permit, or submitted incorrect information in an application for a Wastewater Discharge Permit, report to the Authority, or in any other correspondence pertaining to its Industrial Wastewater Discharge, it shall promptly submit such facts or corrective information to the Authority.

## SECTION 7 - ENFORCEMENT

### 7.01 Right to Refuse

The Authority reserves the right to refuse to accept Wastewater, or combinations of Wastewater, which are Discharged in violation of the terms or conditions of this Resolution, or the orders of the Authority issued pursuant to the conditions of this Resolution. The Authority may take such steps as it deems necessary to compel discontinuance of use of the Sewer System or Pretreatment of Industrial Wastes in order to comply with the provisions of this Resolution. The Authority may exercise its right of refusal by denial of issuance of a Wastewater Discharge Permit; in such a case the Discharge of the subject Industrial Waste is prohibited.

### 7.02 Revocation of Permit

A. Any Industrial User who violates the following conditions of this Resolution or applicable State and federal regulations is subject to having its Wastewater Discharge Permit revoked:

- (1) Failure of an Industrial User to factually report the Wastewater constituents and characteristics of its Discharge in any application for a Wastewater Discharge Permit, or in any reports required by Section 6, paragraphs 6.11, 6.12, 6.13, or 6.15 of this Resolution;
- (2) Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics as required in Section 6, paragraph 6.20 of this Resolution;
- (3) Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or
- (4) Violation of conditions of the Wastewater Discharge Permit.

B. Discharge of any Industrial Waste to the Sewer System by a Significant Industrial User without a Wastewater Discharge Permit or after the revocation of a Wastewater Discharge Permit is an Unauthorized Discharge, as provided in Section 6, paragraph 6.01, and is subject to the penalties provided herein and such other remedies as allowable by law or in equity.

C. Any Industrial User notified of a revocation of its Wastewater Discharge Permit may be required to immediately stop or eliminate the Discharge (even if an appeal of the revocation notice is pending). In the event of a failure of the Industrial User to comply voluntarily with the notice of revocation, the Discharge shall be considered an Unauthorized Discharge and the Authority may take such steps as deemed necessary, which may include immediate severance of the connection between the Building Sewer and the Sewage Collection System, or discontinuance of water service, to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person.

#### 7.03 Suspension of Permit

A. The Authority may suspend a Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened Discharge that (1) presents or may present an imminent or substantial endangerment to the health or welfare of Persons, to the environment, (2) causes or contributes to or may cause or contribute to Interference or Pass Through, or (3) causes or may cause the Authority to violate any condition of its NPDES Permit or any other federal or State rule, regulation or permit.

B. Any Industrial User notified of a suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the Discharge. In the event of a failure of the Industrial User to comply voluntarily with the suspension order, the Discharge shall be considered an Unauthorized Discharge and the Authority shall take such steps as deemed necessary, including immediate severance of the connection between the Building Sewer and the Sewage Collection System, to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person or to prevent Discharge from causing or contributing to Pass Through or Interference.

C. If a Wastewater Discharge Permit has been suspended as a result of an Unauthorized Discharge, which Discharge resulted in or contributed to damages to the Sewer System or to any Person or property, the Wastewater Discharge Permit shall not be reinstated, and Discharge of the subject Wastewater shall not resume, until such time as all such damages have been satisfied.

D. The Authority may reinstate the Wastewater Discharge Permit of acceptable proof by the Industrial User of the elimination of Discharge, and upon such other conditions as the Authority may deem appropriate. Authority agrees to provide any Industrial User such due process as may be required under Pennsylvania law prior to suspension of any connection.



#### 7.04 Notice of Violation

Whenever the Authority finds that any Industrial User has violated or is violating this Resolution, its Wastewater Discharge Permit, or any prohibition, limitation, or requirements contained herein, the Authority may serve upon such Industrial User a written notice stating the nature of the violation, and requiring a response within a specified time. Responses required of Industrial Users may include, but are not restricted to, actions, plans, compliance schedules, or written explanations.

#### 7.05 Show Cause Hearing

A. The Authority may order any Industrial User who causes or allows an Unauthorized Discharge to enter the Sewer System, or who violates any condition or requirement of the Industrial Pretreatment Program or its Wastewater Discharge Permit, to show cause before the Authority why the proposed enforcement action should not be taken. A notice shall be served on the Industrial User specifying the time and place of a hearing to be held by the Authority regarding the violation, the proposed enforcement action, the reasons why the action is to be taken, and directing the Industrial User to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before the hearing. Service may be made on any agent or officer of a corporation if the Industrial User is a corporation.

B. The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any employee, agent or representative of the Authority to:

- (1) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
- (2) Take the evidence;
- (3) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.

C At any hearing held pursuant to this Resolution, testimony taken may be under oath and recorded electronically or stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D After the Authority has reviewed the evidence, it may, in writing, direct the Industrial User to take certain actions to correct the Unauthorized Discharge or to achieve Compliance. The direction may be in the form of a schedule for Compliance, setting dates by which certain actions shall be taken. The actions which may be directed include, but are not limited to:

- (1) Pretreatment facilities or

- (2) Modification or additions to existing Pretreatment facilities or equipment;
- (3) Initiation of management practices which are required to alter the nature of the Industrial Waste being Discharged;
- (4) Development or implementation of SPCC plans or other measures;
- (5) Other measures found to be necessary to correct the Unauthorized Discharge or other Noncompliance.

E. Failure of an Industrial User to comply with written directions issued pursuant to a hearing constitutes a separate and distinct Noncompliance with this Resolution.

#### 7.06 Administrative Orders

A. The Authority may issue written directions, as described in paragraph 7.05 part D in this section, without a Show Cause Hearing if the Authority determines that such directions are necessary to correct conditions or remedy continuing Noncompliance with this Resolution or any Wastewater Discharge Permit or other requirements of the Industrial Pretreatment Program, directions of the Authority, or federal or State regulations.

B. Failure of an Industrial User to comply with written directions issued pursuant to this paragraph constitutes a separate and distinct Noncompliance with this Resolution.

#### 7.07 Right of Appeal

A. An Industrial User may appeal: the enforcement actions enumerated above in paragraphs 7.02, 7.03, 7.05.D and 7.06 of this Section; denial of issuance of a Wastewater Discharge Permit; or conditions contained in a Wastewater Discharge Permit. A Notice of Violation or notice to appear at a show-cause hearing shall not be appealed. An appeal is subject to the following requirements:

- (1) An appeal shall be made in writing to the Authority.
- (2) An appeal must be made within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit or revision to a Wastewater Discharge Permit; notice of denial of issuance of a Wastewater Discharge Permit; receipt of written directions; or notice of suspension or revocation of a Wastewater Discharge Permit, which action is being appealed by the Industrial User.
- (3) The appeal must state the specific provision(s) of a Wastewater Discharge Permit or the specific action(s) of the Authority which are being contested.
- (4) The appeal must state the reasons for the appeal of each provision or action.

(5) The appeal may suggest alternate or revised provisions or actions to replace those appealed.

(6) An appeal of a Wastewater Discharge Permit may include a request to stay specific Permit conditions pending the outcome of the appeal. Any such request shall include all factual and legal justification for such a request.

B. Provisions specifically mandated by federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed. Conditions which, in the opinion of the Authority, would constitute a hazard or pose a potential threat of Pollution, if stayed, shall not be stayed during an appeal. Grant of a stay of Permit conditions during an appeal shall be made at the sole discretion of the Authority.

C. The appeal shall be reviewed by any designated representative(s) of the Authority, provided:

(1) The representative shall not be the Executive Director;

(2) The representative shall not be the Pretreatment Coordinator if the Pretreatment Coordinator is the individual who took the action being appealed (e.g., issuance of a Wastewater Discharge Permit).

D. Within 60 days of receipt, the representative(s) reviewing the appeal shall report in writing to the Authority the results of the review. The report shall contain, at a minimum:

(1) A summary of each item appealed, the appellant's reasons for appeal, and the appellant's proposed remedies, if any. A copy of the appeal itself may suffice to provide this information.

(2) The finding of merit for each point of appeal, and the reason(s) for so finding.

(3) For each point of appeal found to be with merit, a proposed remedy, and a finding that the remedy is allowable under this Resolution, and federal, State and local rules, regulations and laws.

E. The Authority, or a board of appeal appointed by the Authority, may, upon its own initiative or in response to a request by the Permittee, review the appeal and the report and, at one or more regular or special public meetings, take any additional testimony offered by the appellant, reviewer, Pretreatment Program Coordinator, or other interested party. The Authority or the board of appeal, if invested with the power to act on behalf of the Authority, may, within a reasonable time, decide to:

(1) Grant a stay of Wastewater Discharge Permit conditions pending a final decision on the merits of a Permit appeal (this decision may be made at a separate meeting from the determination of the merits of an appeal, so as to provide a timely response to the request for a stay of conditions);

- (2) Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
- (3) Deny the appeal or portions of the appeal.

The decision to grant, partially grant, or deny an appeal constitutes final administrative action.

F. If the Authority or any hearing board appointed by the Authority shall have as a member any Person who has a financial, legal or other proprietary interest in the Industrial User bringing the appeal, such Person shall recuse himself from any vote which shall determine the decision of the body in regard to the appeal.

G. Action of the Authority for which review had been available (e.g., adoption of a resolution or issuance, modification, suspension or revocation of a Wastewater Discharge Permit) shall not be subject to administrative or judicial review in any civil or criminal proceeding for enforcement.

#### 7.08 Civil Actions

If any Person violates the provisions of the Industrial Pretreatment Program; including local, federal, or State Pretreatment Requirements, Prohibited Discharge Standards, Categorical Standards, or any Wastewater Discharge Permit or written directions issued by the Authority; the Authority may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Centre County or other appropriate forum.

#### 7.09 Injunctive Relief

If any Person (1) causes or permits an Unauthorized Discharge to occur; (2) otherwise is in Noncompliance with the conditions imposed by this Resolution or with any Wastewater Discharge Permit or written directions issued by the Authority or with any National or State Pretreatment Requirement; or (3) Discharges Wastewater or Industrial Waste which otherwise presents or may present an endangerment to the environment or which threatens to interfere with the operations of the POTW, the Authority may commence an action in the Court of Common Pleas of Centre County, or any other appropriate forum, for injunctive relief to stop the Discharge or violation, or to require Compliance with the applicable condition.

#### 7.10 Civil Penalties

The Authority may assess monetary penalties for Noncompliance as provided by 35 P.S. §752 *et seq.*, the Publicly Owned Treatment Works Penalty Law, Act of the General Assembly of March 26, 1992, P.L. 23, No.9, subject to the appeal procedures as specified in 2 Pa. C.S. for any Industrial User in Noncompliance.

#### 7.11 Enforcement Response Plan

The Authority may be guided by an Enforcement Response Plan when reviewing Industrial User reports, inspection results and other compliance information, and when determining appropriate enforcement action in response to Noncompliance.

#### 7.12 Significant Violators

The Authority shall publish annually, in the local daily newspaper of highest circulation, a list of Industrial Users that were found to be in Significant Noncompliance during the previous calendar year. Significant Noncompliance shall be determined using measures of rate, magnitude, and type of noncompliance, as delineated below:

- A. Chronic Noncompliance with of Local Limits, Prohibited Discharge Standards, Categorical Standards, or other numerical limitations, including Instantaneous Limits, on Discharges of Industrial Waste. A Chronic Noncompliance occurs if the Noncompliance occurs in sixty-six percent or more of all measurements taken during a six month period for the same Pollutant(s).
- B. Technical Review Criteria (TRC) Noncompliance with Local Limits, Prohibited Discharge Standards, Categorical Standards, or other numerical limitations, including Instantaneous Limits, on Discharges of Industrial Waste. A TRC Noncompliance occurs if thirty-three percent or more of all of the measurements during a six month period for any Pollutant equal or exceeds the product of the Daily Maximum limit, Instantaneous Limit or the Monthly Average limit and the applicable TRC factor. For conventional Pollutants (BOD, Total Suspended Solids and fats, oil and grease), the TRC factor equals one and four-tenths (1.4); for all other Pollutants except pH, the TRC factor equals one and two-tenths (1.2).
- C. Any Noncompliance with Local Limits, Prohibited Discharge Standards, Categorical Standards, or other limitations on Discharges of Industrial Waste, including Best Management Practices, Monthly Averages, Daily Maximums, Wastewater Discharge Permit conditions, and Instantaneous Limits, which the Authority determines has caused Pass Through or Interference, or has endangered the health or safety of Authority personnel or the public.
- D. Any Discharge that has caused imminent endangerment to human health, welfare, or the environment, or has caused the Authority to exercise its emergency authority under Paragraph 7.02 of this ordinance.
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or submitted in response to written directions of the Authority, for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within forty-five (45) days after the due date, any required reports, including but not limited to baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules, or reports on a change in operations.

G. Failure to accurately report any Noncompliance.

H. Any other violation, Noncompliance, or group of violations or Noncompliances, including violations of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

The Authority, subject to its discretion, may, as an enforcement response, publish notification of Industrial User Noncompliance on a more frequent basis than annually or if the level of Industrial User Noncompliance does not meet the Significant Noncompliance standard described above.

#### 7.13 Responsible Officers

Except as may be otherwise provide herein, the Executive Director of the University Area Joint Authority shall administer and enforce the provisions of this Resolution. The Executive Director may delegate any or all powers granted by this Resolution to the Pretreatment Coordinator, or to others as he deems appropriate.

#### 7.14 Acceptance of Program Conditions by Users

Discharge of Wastewater or Industrial Waste to the Sewer System by a User constitutes an agreement on the part of the User to be subject to the resolutions, policies, and requirements of the Authority, including the provisions of this Resolution, the Industrial Pretreatment Program, and all applicable Pretreatment Requirements.

### SECTION 8 - REMEDIES NOT EXCLUSIVE

The enumeration of remedies in Section 7 of this Resolution does not restrict their application and shall not be deemed to preclude any other Authority remedies, enforcement responses or other causes of action, including those available at law or in equity. Nothing this Resolution, the Enforcement Response Plan, or any other provision of the Authority's approved Pretreatment Program shall be intended to limit the enforcement discretion of the Authority to enforce this Resolution and its provisions as otherwise provided for by law.

### SECTION 9 - SPECIAL AGREEMENTS AND/OR WAIVER OF PRETREATMENT REQUIREMENTS

Nothing contained in this Resolution shall be construed as prohibiting special agreements between the Authority and a Person Discharging Industrial Wastes or Wastewaters to the Sewer System, or for the Authority to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Authority, are present; provided, however, that:

9.01 National Categorical Pretreatment Standards and Prohibited Discharge Standards (including the general and specific prohibitions set forth at 40 CFR §§ 403.5(a) and (b)) shall not be waived, unless such waiver is granted by mechanisms established under the National Pretreatment Regulations (40 CFR 403 *et seq.*).

9.02 In no case shall a special agreement or waiver of Local Limits allow for an Industrial User to Discharge any Pollutant which, alone or in combination with other regulated Industrial User Discharges, would reasonably be expected to exceed the mass loadings determined by the Authority as acceptable to the Sewage Treatment Plant based upon considerations of, among other things, Interference, Pass Through, and sludge contamination. The Authority may consider other factors (e.g., effect of the Discharge on the POTW, future expansion, etc.), as it deems appropriate. In no event shall special agreement or waiver allow the sum of the loadings allocated to Industrial Users to exceed the values set forth in any Local Limits analysis submitted by the Authority to EPA and approved by EPA as part of the Industrial Pretreatment Program.

9.03 The Authority may require an Industrial User requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the Industrial User cannot reasonably expect to meet the effluent limitation contained in its Wastewater Discharge Permit, setting forth an expeditious schedule for achieving Compliance with such limitations, and including such other information as the Authority may require. In granting any special agreement or waiver the Authority may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving Compliance. In granting any special agreement or waiver, the Authority may impose any other conditions deemed necessary to implement the purposes of this Resolution.

9.04 If granting a special agreement or waiver would result in increased costs to the Authority (e.g. treatment, monitoring, sludge disposal costs), the Authority may condition the special agreement or waiver upon the agreement of the Industrial User to pay those costs, and to provide security adequate in the judgment of the Authority to assure payment of said costs.

9.05 Any special agreement and/or waiver of Pretreatment Requirements under this Section shall be memorialized in writing. "In writing" includes, among other things, a Wastewater Discharge Permit modification, a written agreement, a letter from the Authority to the Industrial User, an inspection report, or any other written record which identifies that the Authority waived or otherwise modified the requirement.

#### SECTION 10 -ADOPTION OF ADDITIONAL RULES-AND REGULATIONS

The Authority reserves the right to adopt, from time to time, such additional rules as it shall deem necessary and proper in connection with use and operation of the Sewer System, which rules and regulations shall be, shall become, and shall be construed as, part of this Resolution.

#### SECTION 11 -APPLICABILITY OF THE INDUSTRIAL PRETREATMENT PROGRAM IN THE CONTRIBUTING MUNICIPALITIES

The Sewage Collection System is owned and operated in part by the Contributing Municipalities and in part by the Authority. In accord with an agreement between the Authority and the Contributing Municipalities, and as provided by the Contributing Municipalities in their respective ordinances and resolutions, the provisions of this Resolution and the Industrial Pretreatment Program are applicable to all Users, regardless of the Contributing Municipality in which a Discharge occurs.

SECTION 12 -CONSTRUCTION AND SEVERABILITY

In the event any provision, section, sentence, clause or part of this Resolution shall be held to be invalid, such validity shall not affect or impair any remaining provision, section, sentence, clause or part of this Resolution, it being the intent of the Authority that such remainder shall be and shall remain in force and effect. Provision of headings in this resolution is solely for convenience and shall have no effect on the legal or technical interpretation of any provision or requirement.

SECTION 13 -REPEALER

All other Resolutions or parts of Resolutions inconsistent herewith expressly are repealed.

DULY ADOPTED this 17th day of February, 2010, by the Board of the University Area Joint Authority in lawful session duly assembled.

ATTEST:

BY: \_\_\_\_\_, Chairman /Vice Chairman

\_\_\_\_\_, Secretary /Asst. Secretary

(SEAL)