

**SANITARY SEWER SYSTEM  
RULES AND REGULATIONS**

**FOR THE  
BOROUGH OF FREELAND MUNICIPAL AUTHORITY**

**LUZERNE COUNTY, PENNSYLVANIA**

**LAST REVISED: JUNE 2023**

**ENGINEER'S PROJECT NO. R008560.0435**

**PREPARED BY**

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A RESOLUTION PROVIDING FOR RULES AND REGULATIONS FOR THE OPERATION AND MAINTENANCE OF A SEWER SYSTEM BY THE BOROUGH OF FREELAND MUNICIPAL AUTHORITY IN LUZERNE COUNTY, PENNSYLVANIA.

From and after the effective date of the Resolution herein attached as Appendix A, the following Rules and Regulations shall be in effect and govern the operation of the sewer system of the Borough of Freeland Municipal Authority in Luzerne County, Pennsylvania (hereinafter referred to as "Authority").

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## **ARTICLE I. DEFINITIONS**

Unless the context specifically and clearly indicates otherwise the meaning of terms used in this Resolution shall be as follows:

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

"Approval Authority" shall mean the Regional Administrator of Region III of the EPA.

"ANSI" shall mean the American National Standards Institute which is a private, non-profit organization that administers and coordinates the U.S. voluntary standards and conformity assessment system.

"ASTM" shall mean the American Society for Testing and Materials and is an international standards organization that develops and publishes voluntary consensus technical standards for a wide range of materials, products, systems, and services.

"Authority" or "Control Authority" shall mean the Borough of Freeland Municipal Authority of Luzerne County, Pennsylvania, a municipality authority organized and existing under the Municipality Authorities Act, 53 Pa.C.S. §5601 *et seq.*, as amended and supplemented, acting by and through its board or, in appropriate cases, acting by and through its authorized representatives.

"Best Management Practices (BMPs)" shall mean the schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 9.20.B. Prohibited Discharges. BMPs also 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.

"Billing Unit" shall mean and includes, as applicable, each of the following: a "Commercial Establishment", a "Residential Establishment", an "Industrial Establishment", or an "Institutional Establishment".

"Bio-Chemical Oxygen Demand" (sometimes referred to as "BOD<sub>5</sub>") shall mean the quantity of oxygen utilized in the bio-chemical oxidation of organic matter under standard laboratory procedure in 5 days at 20° Centigrade, expressed in milligrams per liter mg/L. The BOD<sub>5</sub> shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association or replacement publication.

"Borough" shall mean the Borough of Freeland, Luzerne County, Pennsylvania, a municipal corporation of the Commonwealth of Pennsylvania, acting by and through

its Council or, in appropriate cases, acting by and through its authorized representatives.

"Building Sewer" shall mean the pipe leading from the sewage drainage system of any structure to the Service Lateral of a Collection Sewer.

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

"Categorical Industrial User" shall mean an Industrial User subject to Categorical Standards.

"Categorical Pretreatment Standard" or "Categorical Standard" shall mean any regulations containing pollutant discharge limits promulgated by the Environmental Protection Agency (EPA) in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of users, and which appear in 40 CFR (Code of Federal Regulations) Chapter I, Subchapter N, Parts 405 – 471.

"Certified Professional" shall mean registered professional engineer under the laws of the State.

"Chain of Custody" shall mean a record of sample collection indicating the place 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" shall mean the Act of June 22, 1937, P.L. 1937, as amended and re-enacted by the Act of October 10, 1980, P.L. 894, 35 P.S. Sections 691.1 to 691.702.

"Collection Sewer" or "Sewer Main" shall mean the Authority's collection sanitary sewers located under highways, roads, streets, and rights-of-way with branch Service Laterals that collect and convey Sanitary Sewage or Industrial Wastes or a combination of both to a pumping or treatment facility.

"Color" shall mean the 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" shall mean a procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR (Code of Federal Regulations) §403.6(e).

"Commercial Establishment" shall mean any room, group of rooms, building or enclosure containing plumbing and used or intended for use in the operation of one business enterprise for the sale or distribution of any product, commodity, article, or

service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose. "Commercial Establishment" includes institutional dormitories but does not include personal care boarding homes licensed by the Commonwealth.

"Compatible Pollutant" shall mean wastewater constituents which the wastewater treatment plant is designed to treat, and wastewater substances which will not interfere with the treatment system or pass through the treatment system inadequately treated.

"Compliance" shall mean adherence to conditions or requirements of this Resolution, any written directions issued by the Authority, or any Wastewater Discharge Permit or other permit issued under the provisions of this Resolution.

"Composite Sample" shall mean 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).

"Connection Fee" shall mean a fee imposed in accordance with Chapter 56 of Title 53 of the Pennsylvania Consolidated Statutes to reimburse the Authority for the costs incurred in providing the necessary facilities between the main sewer line and the property line of the property to be served.

Where the Authority has allowed the property Owner or others to construct these facilities, the connection fee will reflect the Authority's cost of inspection, administrative processing, or other costs chargeable to these facilities.

"Connection Unit" shall mean each individual building or portion of a building (factory, apartment house or office building) which is designed or adaptable to separate ownership. Other multiple unit structures whose individual apartments or units are connected to a common internal sewage system and are not subject to separate ownership shall be considered as one Connection Unit.

"Contractor" shall mean the individual, firm, partnership, co-partnership, or corporation designated by the Owner for the construction of sanitary sewers.

"Contributing Municipality" shall mean any of the municipalities party to a service agreement with the Authority, including the Borough of Freeland, Foster Township and Butler Township, and such other municipalities incorporated under the laws of the State which may enter into a similar agreement with the Authority.

"Cooling Water" shall mean the water from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

"Customer Facilities Fee" shall mean a fee imposed in accordance with Chapter 56 of Title 53 of the Pennsylvania Consolidated Statutes to reimburse the Authority for the

costs of facilities installed between the property line and the internal plumbing of the property to receive service.

Where the Owner or others install these facilities, the customer facilities fee will reflect the Authority's cost of inspection, administrative processing, or other costs chargeable to these facilities.

“Discharge” shall mean the conveyance of any water or Wastewater into the Sewer System.

“Domestic Wastes” or “Domestic Wastewater” shall mean the wastes produced from noncommercial or nonindustrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in residential establishments, including wastes from sanitary conveniences.

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

“EPA” shall mean 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.

“Engineer” shall mean the individual, firm, or corporation presently employed as Consulting Engineer to the Authority.

“Equivalent Dwelling Unit” (EDU) shall mean a unit of service equivalent to that provided to a single-family Residential Establishment.

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

“General Permit” shall mean a control mechanism issued to more than one Significant Industrial User. Facilities covered under a general permit must have certain similar characteristics as described in Section 9.30.B.2.

“Grab Sample” shall mean a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

“Grease Interceptor” shall mean a tank or receptacle designed to collect, retain, and facilitate the floatation of oil, grease and fatty substances normally found in kitchen or similar wastes. A Grease Interceptor is installed in the sewer lateral line between the building or other point of production of the waste and the main sewer. It serves the same purpose as a Grease Trap but is larger in size to accommodate larger volumes of wastewater discharge. The requirement for and location of a Grease



Interceptor shall be at the discretion of the Authority.

“Grease Trap” shall mean a device for separation of grease from wastewater by flotation so it can be removed from the surface.

“Groundwater” shall mean water which is contained in or passing through the ground.

“Holding Tank Waste” shall mean any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

“Improved Property” shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which Sanitary Sewage and/or Industrial Wastes shall be or may be discharged.

“Industrial Establishment” shall mean any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of a business enterprise for manufacturing, fabricating, processing, cleaning, laundering, or assembling any product, commodity, or article or from which any industrial waste, as distinct from Domestic Waste and/or Sanitary Sewage, shall be discharged.

“Industrial Pretreatment Program” shall mean 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.

“Industrial User” shall mean an Industrial Establishment, or an Improved Property used, in whole or in part, for manufacturing, processing, cleaning, laundering, or assembling any product, commodity or article or from which any process waste, as distinct from Domestic Waste and/or Sanitary Sewage, shall be discharged.

“Industrial Wastes” shall mean any solid, liquid, or gaseous substance or waterborne wastes or forms of energy rejected or escaping from any industrial, manufacturing, trade or business process or the development, recovery, or processing of any natural resources, as distinct from Domestic Waste and/or Sanitary Sewage.

“Institutional Establishment” shall mean any room, group of rooms, building or other enclosure which does not constitute a Commercial Establishment, an Industrial Establishment, or a Residential Establishment.

“Interference” shall have the meaning as defined in 40 CFR Section 403.3.

“Local Limits” shall mean the 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” shall mean structure allowing access from the surface of the ground to a Sewer.

“Metered Customer” shall mean any Owner of an Improved Property using an approved water meter or using an approved sewage flow meter as the basis for determining the amount of flow discharged, whether directly or indirectly, into the Sewer System.

“Mg/L” shall mean milligrams per liter; a measure of concentration of water borne substances.

“Middle Tier Categorical Industrial User” shall mean a Categorical Industrial User that meets the following conditions as determined by the Authority and as listed in Schedule 2 attached hereto and incorporated into this Resolution and Amendments thereto: 1) Categorical wastewater flow does not exceed a) 0.01% of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller, b) 0.01% of the design dry weather organic treatment capacity of the POTW, and c) 0.01% of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed; 2) has not been in significant noncompliance for any time in the past two years; and 3) does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

“Monthly Average” shall mean the arithmetic mean of all daily determinations of concentration made during a calendar month.

“National Pretreatment Standards” or “Pretreatment Regulations” shall mean any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act which applies to Industrial Users.

“National Categorical Pretreatment Standard” shall mean 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.

“Net/Gross calculation” shall mean a procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.15.

“New Source” shall mean 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 40 CFR, §403.3.

“Noncompliance” shall mean not in Compliance.

"Nonresidential Establishment" shall mean any Improved Properties consisting of commercial, industrial, schools, professional offices, churches, institutions, etc. that is not a Residential Establishment.

“Non-Significant Categorical Industrial User (NSCIU)” shall mean a Categorical Industrial User that meets the following conditions as determined by the Authority: 1) never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard), 2) has consistently complied with all applicable categorical Pretreatment Standards and Requirements, 3) never discharges any untreated concentrated wastewater, and 4) annually submits a certification statement stating that the facility met the definition of an NSCIU together with any additional information necessary to support the certification statement.

"NPDES Permit" shall mean a National Pollutant Discharge Elimination System permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

“Operator” shall mean 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" shall mean any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property.

"Pass Through" shall have the meaning as defined in 40 CFR Section 403.3.

"Person" shall mean any individual, partnership, company, association, society, corporation, trust, governmental body, political subdivision, municipality, municipality authority, or other group or entity.

“pH” shall mean the logarithm (Base 10) of the reciprocal of the weight of hydrogen ions in grams per liter of solution. The pH shall be determined by one of the acceptable methods described in the latest edition of “Standard Methods for the Examination of Water and Sewage” published by the American Public Health Association or replacement publication.

"Pollutant" shall mean any solid or liquid waste, sewage, garbage, sludge, chemical wastes, biological or radioactive materials, heat, industrial, municipal, or agricultural waste discharged into the water.

“Pollution” shall mean 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” shall mean 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.

"Pressure System" shall mean a system consisting of a complete grinder pump system including grinder pump, motor, basin, control panel, and pressure lateral between the grinder pump unit and point of connection at the curb box.

“Pretreatment” shall mean the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of Discharging or otherwise introducing such Pollutants into a 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” shall mean the Person designated by the Authority to administer the provisions of the Industrial Pretreatment Program. The Pretreatment Coordinator is also referred to as the Industrial Pretreatment Program Coordinator.

“Pretreatment Requirements” shall mean any substantive or procedural requirement, other than a Categorical Standard, imposed on an Industrial User by Section 303(b) and (c) of the Act, the State or the Industrial Pretreatment Program.

“Process Wastewater” shall mean 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 Cooling Water which results from a manufacturing process.

“Prohibited Discharge” shall mean any Discharge which is prohibited under Section 9.20.B. of this Resolution.

“Prohibitive Discharge Standard” shall mean any regulation developed under Section 307(b) and (c) of the Act (33 USC 1317) and 40 CFR, §403.5.

“Qualified Analyst” shall mean any Person who has demonstrated competency in the analysis of Wastewater by submission of their generally recognized documentation of competency to the Authority.

“Refrigeration” shall mean maintenance of temperature for storage, preservation of food, or as a process of manufacturing.

"Reservation of Capacity Fee" shall mean a fee imposed by the Authority for allocating to an Owner, based on his request, capacity in the Authority's Sewer System or wastewater treatment facility in advance of his payment of the Authority's

Tapping Fee.

"Residential Establishment" shall mean any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of Persons living together or by a Person living alone, excluding institutional dormitories, but including personal care boarding homes licensed by the Commonwealth.

"Sanitary Sewage" shall mean the normal water-carried household and toilet wastes from any Improved Property.

"Sanitary Sewer" shall mean a Sewer carrying only Sanitary Sewage or Industrial Wastes, and to which storm, surface or ground waters are not intentionally admitted.

"Service Lateral" shall mean that part of the Sewer System extending from a Collection Sewer to the curb line, right-of-way line or, if there is no curb or right-of-way line, to the property line.

"Sewage Collection System" shall mean all facilities of the Authority or any municipality party to a service agreement with the Authority, 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 necessarily limited to those facilities owned or operated by the Authority, the Borough of Freeland, Foster Township, and Butler Township, or any other Contributing Municipality.

"Sewage Treatment Plant" shall mean 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" shall mean any pipe, main, or conduit constituting a part of the Sewer System and used or usable for collection and transportation of Sanitary Sewage and Industrial Wastes.

"Sewer System" shall mean all facilities and property owned by the Authority as of any particular time, including but not limited to, facilities for collecting, pumping, conveying, and treating Sanitary Sewage and Industrial Wastes.

"Shall" is mandatory: "May" is permissive.

"Significant Industrial User" shall mean any industrial user of the Sewer System who:

1. Discharges 25,000 gallons per day or more of process wastewater. Process wastewater is any water, which, during manufacturing or processing comes into direct contact with (or results from the production or use of) any raw

material, intermediate product, finished product, by-product, or waste product. Process wastewater does not normally include sanitary wastewater, non-contact cooling water, or plant-area stormwater runoff, unless such wastewaters are covered by a federal regulation, or

2. Contributes an actual or estimated process waste stream which makes up 5 percent or more of the total recorded flow into the treatment system, or
3. Is subject to a national categorical pretreatment standard as published by the U.S. Environmental Protection Agency, or
4. Is found by the EPA, DEP, Commonwealth of Pennsylvania, Borough, or Authority to have a reasonable potential to adversely affect, either singly or in combination with other users, on the processes, effluent, sludge, or air emissions of the treatment system.

“Significant Noncompliance (SNC)” shall mean a Noncompliance which meets or exceeds standards of Significant Noncompliance determined by the Authority and contained in Section 9.40.K. of this Resolution.

“Significant Violator” shall mean any Industrial User in Significant Noncompliance.

“Slug or Slug Load” shall mean any Prohibited Discharge, or Discharge which could cause problems to the POTW.

“Slug Loading” shall mean any pollutant including oxygen demanding pollutants (BOD<sub>5</sub>, etc.) released in a discharge at a flow rate and or concentration which will cause interference with the treatment system.

“Spill” shall mean any non-routine episodic Discharge, including, but not limited to, accidental spills and leaks and non-customary batch Discharges, and including any Discharge resulting from control or cleanup activities associated with such an occurrence.

“SPCC Plan” shall mean a spill prevention, control and countermeasure plan prepared by an Industrial User to minimize the likelihood 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)” shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

“Standard Methods” shall mean the most recent edition of "Standard Methods for the Examination of Water and Wastewater" as published by the American Public Health Association, American Water Works Association, and Water Environment Federation.

“State” shall mean the Commonwealth of Pennsylvania.

“Stormwater” shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

“Superintendent” shall mean the Person designated by the Authority to supervise the operation of the Sewage Treatment Plant and monitor flows in the Sewage Collection System, including Authority Management, or The Authority’s duly authorized representative.

“Surcharge” shall mean an additional rate for treatment of waste, including Abnormal Industrial Waste, of greater strength than the concentration values established as is representative of normal Sanitary Sewage.

“Tapping Fee” shall mean a fee imposed by the Authority in accordance with Chapter 56 of Title 53 of the Pennsylvania Consolidated Statutes consisting of a capacity part, a collection system part, a special purpose part, and a reimbursement part.

The Capacity Part A fee to recover the costs of capacity-related general system facilities including, but not limited to, treatment, pumping, trunks, interceptor and outfall mains, storage, sludge treatment and disposal, interconnection, or other system facilities to provide existing service and future capacity-related facilities to provide future services as restricted therein.

The Collection Part A fee to recover the costs of collection-related facilities such as mains required to provide existing services and those that will provide future services.

Special Purpose Part A fee to recover the costs of special purpose facilities applicable only to a particular group of customers, serving a particular purpose or serving a specific area, and such facilities may include those that provide existing services and those that will provide future services.

Reimbursement Part A fee to recover the amount necessary to recapture the allocable portions of facilities in order to reimburse the property Owner at whose expense such facilities were constructed.

“Total Dissolved Solids” shall mean a measure of the dissolved combined content of all inorganic and organic substances present in a liquid in molecular, ionized, or micro-granular (colloidal sol) suspended form.

“Total Suspended Solids” shall mean 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.

“Total Solids” shall mean the sum of the dissolved and undissolved solid constituents of water or Wastewater.

“Total Toxic Organics” shall mean 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” shall mean 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” shall mean 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.

“Township” shall mean Butler or Foster Township, Luzerne County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives.

“Treatment System” shall mean all facilities, structures, and equipment owned and operated by the Authority for the collecting, transporting, treatment, recycling, and reclamation of wastewater including any works that are an integral part of the treatment process.

“Unauthorized Discharge” shall mean the 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.

“Unauthorized Waste” shall mean any substance which is Discharged into the Sewage Collection System 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.

“User” shall mean any Person who contributes, causes or permits the Discharge of Wastewater into the Sewer System.

“Wastewater” shall mean Sanitary Sewage or Industrial Wastes or any combination



thereof.

“Wastewater Discharge Permit” shall mean as set forth in Section 9.30 of this Resolution.

“Water System” shall mean the public water supply system owned and operated by the Authority in and adjacent to the Borough.

“Waters of the State” shall mean 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.

**ARTICLE II.  
CONNECTION PERMITS**

**SECTION 2.10: Connection Permit Application**

No connection shall be made, nor construction of the Building Sewer, Service Lateral, or Pressure System commenced unless and until the Owner of the property in which the work is to be done, or the Contractor who is to do the work as the Owner's representative, shall have applied for and obtained a connection permit, in the manner hereinafter provided. A connection permit shall also be required whenever any of the following situations exist:

1. A new building or facility is connected to the Sewer System or to the internal drainage system of an existing building or facility.
2. An existing building or facility is expanded in such a way that there is an increased potential for the generation of wastewater. Flow estimates shall be made by the Authority based on sound engineering practice.

In addition, persons applying for connection of a Nonresidential Establishment must satisfy the requirements of Article IX.

The application for connection to the Sewer System shall be submitted on the official form prepared for this purpose and must be complete. Forms may be secured at the Authority's office.

**SECTION 2.20: Payment of Connection Fees**

The application referred to in Section 2.10 shall be accompanied by the required fees as provided for in Section 6.10. An application is not considered complete unless accompanied by payment of all applicable fees.

**SECTION 2.30: Permit Issuance**

Upon receipt of a properly executed application to connect, all required plans, submittals, and related items are satisfied in full, and payment of all required fees, the Authority shall issue a connection permit to the Owner.

**SECTION 2.40: Permit Display**

The connection permit shall be kept on the Owner's premises and shall be made available for review, upon request, from the time the work begins until the final inspection has been made and the work has been approved.

**SECTION 2.50: Permits for Significant Industrial Users**

All Industrial Users proposing to connect to or discharge to the Sewer System shall obtain a

wastewater discharge permit before connecting to or discharging to the Sewer System, as required by Section 9.10. The wastewater discharge permit will define the allowable levels of pollutants discharged into the Authority's Sewer System.

**SECTION 2.60: Sale of Property**

If a property which is connected to the Sewer System is sold, or otherwise conveyed, the purchaser and/or seller shall promptly notify the Authority of such sale or conveyance. The Authority has the right to conduct an inspection of the sewer connection on the property at the time of sale to inquire as to any illicit connections including roof leaders, downspouts, sump pumps, basement drains, or area drains. Any illicit connections found will be disconnected at the expense of the property owner.

**ARTICLE III.  
CONNECTION PROCEDURE AND SPECIFICATIONS**

**SECTION 3.10: Specifications for Connection**

No connection shall be made to the Sewer System unless the manner in which the connection is made, and the materials and workmanship employed in affecting such connection shall comply with the requirements of the Authority. It shall also be necessary for all connections to comply with any special requirements imposed under Section 3.50 of this Resolution.

**SECTION 3.20: Illegal Discharges**

Any person who discharges or permits to be discharged any material to the Sewer System except through approved connections will be subject to charges as provided in Section 6.70 in addition to being subject to the penal provisions of any appropriate Borough and/or Township Ordinance.

**SECTION 3.30: Separate Connections and Exceptions**

Except as otherwise provided in this Section, each Connection Unit shall be connected separately and independently with a Sewer through a Building Sewer.

The grouping of more than one Connection Unit on a Building Sewer shall not be permitted except under special circumstances or for good sanitary reasons or other demonstrated good causes. Special permission of the Authority, in writing, must be secured and is subject to such rules, regulations, and conditions as may be prescribed by the Authority.

Further, in the event a single Building Sewer is permitted to serve a double house or condominium complex, it will be necessary for the Owners to sign an agreement (which the Authority may record in the office of the Recorder of Deeds) relieving the Authority of any responsibility or obligation caused by or resulting from the installation of a single Building Sewer. The agreement shall provide that any disagreement between the parties concerning future maintenance of the common sewer will be sufficient cause for the Authority to require additional connections to the Sewer Main to provide individual service. The installation of such separate Building Sewers and/or Service Laterals shall be made at the expense of the Owners signing the agreement.

**SECTION 3.40: Legal Requirements**

All Contractors and qualified individuals installing connections to the Sewer System shall comply with all of the Authority's rules, regulations and guidance and all Federal, State, and local requirements, including but not limited to the following:

1. The latest Borough and/or Township Ordinance governing sewer connections and the Borough and/or Township Road Occupancy Regulations;

2. Pennsylvania Law which requires that a utility be notified in advance of work to be performed in the area of a utility's facilities;
3. Federal Occupational Safety and Health Administration Regulations;
4. Pennsylvania Department of Transportation Regulations for work within State Highway rights-of-way, such as, but not limited to: (i) permits, (ii) blasting bonds, (iii) construction methods and materials, (iv) inspection and (v) traffic control;
5. Department of Environmental Protection Streams Encroachment and Soil Erosion and Sedimentation Control Requirements.

**SECTION 3.50: Special Conditions**

Whenever, in the opinion of the Engineer or other duly authorized representative of the Authority, special conditions require additional safeguards or more stringent specifications to be observed, then, notwithstanding any other provisions of this Resolution, or requirements of the Borough and/or Township, the Authority specifically reserves the right to refuse to permit a connection to be made to its Sewer System until such special requirements or specifications as may be stipulated by the Authority have been satisfied.

**SECTION 3.60: Contractor Qualifications**

No Contractor shall install or construct a Building Sewer, Service Lateral or Pressure System unless registered with the Authority. The Contractor shall register by providing evidence of past experience in blasting, plumbing, or electrical work, and by providing evidence of adequate insurance coverage. Evidence of insurance coverage shall be presented to the Authority in the form of insurance certificates and shall indicate coverage with the following minimum limits:

**GENERAL LIABILITY**

Bodily Injury and Property Damage - \$1,000,000

(Contractual liability coverage to fund the hold-harmless agreement contained in the Authority's registration application and coverage of independent contractors and completed operations shall also be included.)

**AUTOMOTIVE**

Bodily Injury and Property Damage - \$300,000

Insurance certificates shall be kept current with the Authority during the period the Contractor is installing or constructing Building Sewers, Service Laterals or Pressure System of the Freeland Municipal Authority.

The Authority's Contractor registration becomes final upon the satisfactory completion by the Contractor of at least one Building Sewer, Service Lateral or Pressure System installation in the Authority's service area.

Removal of a Contractor from the Authority's registration listing may be performed for any of the following reasons:

1. Contractor fails to maintain the required certificates of insurance specified by the Authority;
2. Contractor non-compliance with Authority requirements;
3. Excessive expenditure of Authority personnel time and effort to monitor Contractor work performance;
4. Noncompliance with the quality of work required by the Authority.

The identity of all Contractors removed from the approved registration list will be announced at the next public meeting of the Authority.

The installation of a Building Sewer or Pressure System by the Property Owner will be considered on a case-by-case basis subsequent to a formal written request and submission of qualifications.

### **SECTION 3.70: Building Sewer and Service Lateral Pipes and Fittings**

For all gravity installations, the pipe and fittings used for the Building Sewer and Service Lateral shall be ductile iron conforming to the requirements of ANSI 21.51 & ANSI 21.10 or Polyvinyl Chloride (PVC) SDR 35 pipe and fittings conforming to the requirements of ASTM D 3034 manufactured from Class 12454-B.

For all pressurized systems Polyvinyl Chloride (PVC) SDR-21 pipe conforming to the requirements of ASTM D 2241 manufactured from Class 12454-5 (PVC 1120) rigid PVC compounds shall be used.

Joints for ductile iron pipes and fittings shall be either mechanical or push-on with rubber gasket compression joints conforming to the requirements of ANSI A21.11. Joints for PVC SDR-35 and PVC SDR-21 pipes and fittings shall be push-on type gasket joints conforming to ASTM D 3212 and ASTM D 3139 respectively. The gasket shall conform to ASTM F 477.

The pipes shall have permanently tight joints which shall prevent the admission of groundwater and shall be laid at a minimum grade of one quarter (1/4) inch per foot with the best possible alignment. To protect the pipes from frost or crushing from surface activity, a minimum of four (4) feet of cover must be provided. Under special conditions, a variance to the latter two requirements may be granted by the Authority.

The pipe for the Building Sewer and Service Lateral shall have a minimum inside diameter of four (4) and six (6) inches respectively. No transitions from one pipe size to another or from one pipe material to another will be made unless manufactured adapters, designed specifically for that purpose, and approved by the Authority, are used. All changes in direction must be made with pipe fittings. No fitting greater than forty-five (45) degrees will be permitted, except under certain conditions acceptable to the Authority. Sweep ninety (90) degree bends may be used.

For purposes of identification and early warning during trenching or other excavation, non-residential properties shall have continuous warning tapes in all trenches. Such tapes shall be optional for residential properties. Tapes shall be buried at a depth of six (6) inches below finished grade. In pavement, tapes shall be buried six (6) inches below the top of the subgrade. The underground warning tape shall be a magnetic polyethylene tape, three (3) inches in width with a minimum lettering of one inch.

### **SECTION 3.80: Main Trap and Air Intake Pipes**

Prior to the installation of the Building Sewer, the Authority's representative may inspect the property to determine whether the plumbing facilities are properly trapped and vented.

A trap and vent pipe must be provided for each Building Sewer. The vent and trap must be placed immediately outside the building wall. The top of the air intake pipe shall extend a minimum of 12 inches above the ground surface to prevent surface water from entering and shall be provided with a mushroom or other type cap sufficient to prevent the entrance of rainwater.

### **SECTION 3.90: Cleanouts**

Unless otherwise authorized by the Authority or its representative, clean-outs shall be provided in each Building Sewer at intervals that will permit complete rodding with a fifty (50) foot long auger or tape. Such intervals shall include the length of the Service Lateral and riser as appropriate. Clean-outs will also be required within five (5) feet upstream of every change in direction greater than forty-five (45) degrees and immediately downstream of the trap. Clean-outs shall be constructed using a one-piece combination wye and 45-degree bend and riser to the ground surface. The riser pipe shall be provided with a standard 4-inch screw-type ferrule and shall be watertight.

### **SECTION 3.100: Building Sewer and Service Lateral Bedding**

Building Sewers and Service Laterals shall be provided with a stone bedding consisting of AASHTO No. 8 coarse aggregate or suitable substitute if approved by the Authority's Representative. Exposed bedrock shall not be considered a suitable substitute. If stone is required, a minimum of four (4) inches of stone is required underneath the pipe with backfill of stone to the midpoint of the pipe diameter.

**SECTION 3.110: Notification of Authority Inspector**

The permit holder shall give advance notice to the Authority's representative when the facilities to be connected to the Sewer System are ready to be tested. This advance notice shall be at least 48 hours prior to the desired date and time of the test. It shall be the duty of the permit holder to ensure that the facilities will withstand the prescribed test before giving notification to the Authority. Inspections and tests shall only be performed during the hours posted by the Authority's inspector.

**SECTION 3.120: Open Trench Inspection of Building Sewers, Service Laterals and Pressure Systems**

No connection or pipe trench shall be backfilled unless and until the Service Lateral, Pressure System or Building Sewer installation has been inspected, tested, and approved by the Authority's representative. The Building Sewer, Service Lateral, or Pressure System may be carefully covered with twelve (12) inches of AASHTO No. 8 stone prior to testing and inspection provided the joints are left uncovered.

**SECTION 3.130: Air Testing and Inspection of Building Sewers**

An air test shall be performed in the presence of the Authority's representative on the line being installed from the point of connection at the building to the point of connection at the Service Lateral, grinder pump or Sewer Main. Both ends of the Building Sewer, or the Building Sewer and Service Lateral, shall remain uncovered until the air testing has been completed and the installation approved and noted in writing on the permit. No other evidence of such approval shall be accepted.

After the air test has been completed and the installation approved, the remainder of the trench shall be backfilled, compacted, and restored with clean earth void of rock, wood, or other similar debris. The entire backfill process shall be carried out carefully so as not to disturb the pipe.

Use of a new connection to the Sewer System will not be permitted until the installation has been inspected, tested, and approved in accordance with the Authority's procedures.

**SECTION 3.140: In-Home Inspection and Discharge Regulations**

At the time of the inspection of the Building Sewer, and from time to time as determined by the Authority, the Authority's representatives shall have the right to inspect the facilities within the home following adequate prior notification to determine whether the facilities connected to the Sewer System are in conformance with the Authority's Rules and Regulations.

All water contaminated by use must be discharged into the sewer including water from sinks and washing machines. Conversely, the discharge of roof, storm, surface, or building foundation water or drainage into the sewer is expressly prohibited. Floor drains in



basements subject to groundwater infiltration or flooding must also be removed, permanently sealed, or otherwise not connected to the Building Sewer.

**SECTION 3.150: Building Sewer, Grinder Pump Station, Pressure System and Service Lateral Costs**

All of the costs and expenses associated with the construction of the Building Sewer, Pressure System or Service Lateral and the connection of the Building Sewer to a Service Lateral or Pressure System, including testing, shall be borne by the Owner of the Improved Property. Such Owner shall indemnify and save harmless the Authority from all loss or damage which may be occasioned, directly or indirectly, from the construction of the Building Sewer, Pressure System or Service Lateral and the connection of the Building Sewer to a Service Lateral or Pressure System.

**SECTION 3.160: Grinder Pump Station Agreements**

On occasion, it may be practical and desirable for the Authority to allow an Owner of an Improved Property to have access to the Authority's Sewer System by use of a grinder pump station and Pressure System. Owners may be required to enter into a written agreement with the Authority before a permit is granted for such connections. The agreement shall be in a form approved by the Authority and shall set forth the terms under which the Authority shall render service through such connections. Copies of the agreement may be recorded in the Office of the Recorder of Deeds of Luzerne County.

**SECTION 3.170: Grinder Pump Station Specifications and Maintenance of the Pressure System**

Prior to issuance of a Pressure System connection permit, the Owner shall submit to the Authority documentation to enable the Authority to determine whether the proposed installation meets its requirements and whether the grinder pump will serve its intended purpose.

For single-family Residential Establishments, the prefabricated Grinder Pump Station shall consist of a Basin Package, Grinder Pump, Control Panel, and all other necessary appurtenances. All equipment in the wet well shall be capable of constant submergence in sewage to a minimum depth of ten feet without electrical power being energized. All materials exposed to wastewater shall have inherent corrosion protection: i.e., painted cast iron, fiberglass, stainless steel, PVC. The Grinder Pump Station shall be free from electrical and fire hazards and shall be mounted at a suitable location outside the home.

Each Basin Package shall:

1. Be suitable for use near structures, and be free from noise, odor, or health hazards.
2. Be supplied in a wet well configuration.
3. Include one (1) PVC flapper type check valve for installation in the service lateral between the grinder pump station and the pressure Sewer Main.
4. Provide a level detection for controlling pump and alarm operation.

5. Be equipped with a ball valve at the pump discharge.
6. Include an anti-siphon capability in the discharge piping system.
7. Be furnished with a molded polyethylene cover.
8. Be furnished with factory pre-wired junction box. The junction box shall be protected from ground water and be mounted on the under side of the cover.
9. Be equipped with a stainless steel "C" channel rail assembly to facilitate removal of the pump(s) from ground level.

Each Grinder Pump Unit shall:

1. Be factory built.
2. Be manufactured by the Owner's preferred manufacturer.

Each Control Panel shall:

1. Be constructed with a padlock-able fiberglass enclosure.
2. Include a visual and audible high water alarm device.
3. Include an elapsed time meter to indicate pump run time.

Maintenance of the Pressure System to the point of connection with the Service Lateral, or Sewer Main, shall be the responsibility of the Owner of the improved property.

Pressure systems for all other types of Nonresidential Establishments are subject to the review and approval of the Authority.

**SECTION 3.180: Grinder Pump Station Installation**

All grinder pump station equipment shall be installed strictly in accordance with recommendations of the manufacturer. Excavation for the grinder pump station shall be to a depth such that, after installation of the grinder pump station, the top of the unit shall be raised six (6) inches above finished grade. All piping within the station shall be at a level that is lower than the frost depth or depth of bury specified for the low-pressure sewer piping, whichever is lowest. The bottom of the excavation shall be level and all loose material shall be removed. A 6-inch-deep layer of gravel or crushed stone, equal to or finer than AASHTO No. 8, shall be placed in the excavation prior to placement of the grinder pump station. The grinder pump station shall be weighted and anchored with a concrete weight. The concrete shall have a minimum strength of 2,500 psi and a minimum weight of 1,000 lbs.

The grinder pump station shall be leveled on the gravel base and rotated for proper alignment with the gravity Building Sewer, pressure lateral Sewer, and electrical service connection. Backfill around the grinder pump station, and for a distance of one (1) foot above the pressure lateral discharge pipe, shall be AASHTO No. 8 stone, as required, with proper compaction. Care shall be taken to bring the fill up evenly around the grinder pump station. Rock, wood, or other debris shall not be used as backfill. After stone backfill has been placed around the station to a height of one (1) foot above the pressure lateral discharge pipe, clean earth fill may be used to complete the backfill operation to the ground surface.

**SECTION 3.190: Pressure Lateral Specifications and Installation**

The pressure lateral shall be one and one-half (1-1/2) inch SDR 21 PVC pipe (200 psi), with rubber gasket joints. The pipe shall be placed a minimum of four feet below the surface. Thrust blocks shall be provided for all fittings and at all locations where horizontal and/or vertical deflections are made.

A minimum of four (4) inches of AASHTO No. 8 coarse aggregate shall be placed underneath the pipe. Stone backfill shall be placed to a minimum of one (1) foot above the top of the pipe in such a manner so as not to disturb the pipe. Backfill for the remaining portion of the trench shall be in accordance with the requirements of Section 3.120 & 3.130.

In addition, where a pressure lateral discharges into a force main collection sewer, a curb box and redundant check valve shall be installed by the Owner unless already provided by the Authority as a part of its facilities.

**SECTION 3.200: Grinder Pump Station Wiring Specifications**

All wiring in the grinder pump station shall be installed and functionally tested at the factory. As a minimum requirement, all wire connections inside the basin wet well must be completed during factory assembly and 100% functionally tested prior to shipment. This includes all control panel connections. All electrical wires penetrating or passing through the silhouette of the pump station must be guaranteed to be watertight by the manufacturer and must be installed at the factory prior to shipment. No junctions, plugs, electrical quick disconnects (EQD's) etc. will be allowed between the pump motor housing and the junction box, nor junction box and control panel. Direct bury electrical cable must be factory installed in the station and arrive at the job site with a minimum length of fifty (50) feet external to the station ready to unroll and connect to power source and control panel. Installation of wiring from the control panel to the Owner's circuit breaker panel or fuse box shall be in accordance with the requirements of all local, state, and national electric codes and the grinder pump manufacturer's recommendations. Underground conduit shall be a minimum diameter of three-fourths (3/4) of an inch and watertight. A minimum of two (2) feet of cover shall be provided.

**SECTION 3.210: Underground Warning Tape**

For the purposes of early warning and identification of underground wiring and pressure piping during trenching or other excavation, continuous warning tapes shall be provided in all trenches. Tapes shall be buried to a depth of six (6) inches below finished grade. In pavement, tapes shall be buried six (6) inches below the top of the subgrade. The underground warning tape shall be a magnetic polyethylene tape, three (3) inches wide with 1-inch lettering.

**SECTION 3.220: Gravity Portion of Grinder Pump Station Installation**

The gravity portion of the Building Sewer upstream of the grinder pump station, including

traps and clean-outs, shall be constructed as provided in other applicable sections of Article III (especially Sections 3.70 through 3.130) except that the clean-out riser immediately downstream of the house trap shall be modified to also serve as a vent for the grinder pump basin.

**SECTION 3.230: Testing and Inspection of Grinder Pump Stations and Pressure Systems**

Every Grinder Pump Station and Pressure System shall be inspected, tested, and approved by the Authority prior to connection to the Sewer System lateral. Each grinder pump shall be submerged, operated, and tested for performance compliance to its respective curve. The pressure lateral shall be hydrostatically tested by the installer in accordance with the procedures and requirements of these Rules and Regulations. If the pressure lateral fails the prescribed test requirements, the installer shall be responsible for determining deficiencies in the materials and/or workmanship and for correcting the same to the satisfaction of the Authority. The installation shall then be retested for conformance with the Authority's requirements.

**SECTION 3.240: Policy in Relation to Grease Interceptors and Oil Separators**

- A. Grease Interceptors shall be required when proposed development will discharge grease-laden waste from food preparation areas. These developments include, but are not limited to, restaurants, hotel kitchens, hospitals, school kitchens, bars, and factory cafeterias. The need for Grease Interceptors shall be at the discretion of the Authority and as detailed below:
1. The application for new installations must contain the size and type of Grease Interceptor being proposed as well as a floor plan showing the location of the Grease Interceptor and all fixtures being connected, as well as discharge rates for each fixture.
    - a. Grease Interceptors shall comply with all applicable codes. Where code requirements are more stringent than those provided herein, comply with the more stringent requirement.
    - b. Grease Traps and Grease Interceptors shall be sized to provide 10 gallons of capacity per seat, with a maximum capacity of 1,500 gallons. If capacity greater than 1,500 gallons is required, multiple interceptors in series shall be used.
    - c. The Grease Interceptor shall be multi-chambered with a minimum of two (2) compartments and incorporate a flow diffusing baffle. The baffle shall extend the full width of the interceptor and be sealed to the walls and the floor.
    - d. Grease Traps and Grease Interceptors shall be constructed of precast

concrete and be adequately designed and rated for traffic loading.

- e. Piping for flow into, out of, and between chambers shall be constructed of polyvinyl chloride (PVC). Distributive piping (a tee or wye to provide two (2) ports into the first chamber) is recommended. Pop-riveted side wall baffles are not acceptable.
- f. Access points to allow for maintenance, visual inspection, and sampling shall be provided at the influent and effluent ends of the Grease Interceptor. An intermittent clean-out connection shall also be provided to allow for visual inspection of the flow between chambers. Access shall be safe and secure from tampering.
- g. All interceptor applications shall be designed in accordance with the manufacturer's recommendations.

2. Additional Requirements:

- a. Review and approval of the proposed interceptor design by the Authority/Engineer is required prior to installation.
- b. Discharges of fats, oils & grease (FOG) will be subject to the policy on Surcharges for Excess Strength Compatible Pollutants from Nonresidential Establishments, provided in Section 6.50 of these Rules and Regulations; as well as any related Pollutant Limitations defined in Section 9.20 of these Rules and Regulations.

3. Responsibilities and Maintenance:

- a. Standard Care, cleaning, and routine pumping:
  - 1. Pumping is established at a minimum of once per month. Adjustments to this schedule may be requested after one (1) year of operation. The Owner/operator of the facility is responsible for the arrangement and costs associated with pumping. The Authority shall be notified prior to each pumping. Also, the Owner/operator of the facility shall obtain a pumping receipt after each pumping and provide a copy of that receipt to the Authority for its records within two (2) weeks of pumping.
  - 2. An annual inspection and pressure washing of the interceptor is recommended.
  - 3. The interceptor is to be in good repair and operating condition at all times.

4. The following discharges to the interceptor are prohibited:
    - Continuous discharge of hot water (>90°F)
    - Discharge of concentrated alkaline or acidic solutions
    - Discharge of concentrated detergents
  - b. The Authority will conduct routine sampling for BOD and FOG.
  - c. The use of best management practices for FOG reduction is required of all kitchen personnel.
- B. Oil Separators shall be required when proposed development will discharge oil-bearing, grease-bearing, or flammable wastes. These developments include, but are not limited to, repair garages, car washing facilities with engine or undercarriage cleaning capability and factories. The need for oil separators and requirements for their proper implementation and function shall be at the discretion of the Authority and as detailed below:
1. Oil Separators shall have a depth of not less than two (2) feet below the invert of the discharge drain. The outlet opening of the separator shall have not less than an 18-inch water seal. Oil separators shall be multi-chambered and contain a flow diffusing baffle.

Where automobiles are serviced, greased, repaired, or washed or where gasoline is dispensed, Oil Separators shall have a minimum capacity of six (6) cubic feet for the first 100 square feet of the area to be drained, plus one (1) cubic foot for each additional 100 square feet of area to be drained into the separator. The following represent exceptions to these requirements:

    - a. Parking garages in which servicing, repairing, or washing is not conducted, and in which gasoline is not dispensed, shall not require a separator.
    - b. Areas of commercial garages utilized only for storage of automobiles are not required to be drained through a separator.
  2. Additional Requirements:
    - a. Review and approval of the proposed separator design by the Authority/Engineer is required prior to installation.
    - b. Oils, grease and flammable wastes are never to be discharged into the Sewer System or sinks and drains that are connected to the system.

3. Responsibilities and Maintenance:
  - a. Standard Care, cleaning, and routine pumping:
    1. Pumping is established at a minimum of once per year. Adjustments to this schedule may be requested after one (1) year of operation. The Owner/operator of the facility is responsible for the arrangement and costs associated with pumping. The Authority should be notified prior to each pumping. Also, the Owner/operator of the facility shall obtain a pumping receipt after each pumping and provide a copy of that receipt to the Authority for their records within two (2) weeks of said pumping.
  - b. The separator is to be in good repair and operating condition at all times.
- C. Grease Interceptors and Oil Separators shall be designed so as not to become air bound where tight covers are utilized. Each Grease Interceptor or Oil Separator shall be vented where subject to a loss of trap seal.

**ARTICLE IV.  
MAINTENANCE OF BUILDING SEWERS AND SERVICE LATERALS**

**SECTION 4.10: Customer Responsibility; Exceptions**

The maintenance, repair or replacement of a Building Sewer shall be the obligation of the Property Owner.

The maintenance, repair or replacement of the Service Lateral and Pressure Systems shall be the responsibility of the Property Owner.

If the property Owner denies the Authority access to the Pressure System or fails to execute a Grinder Pump Agreement, the Authority shall not be held responsible for the maintenance or repair of the Pressure System. Furthermore, if it is determined that the occupant(s) of the building are responsible for the malfunction/damage to the Pressure System, the property Owner or occupant(s) shall be held responsible for the cost of the repair or replacement of the Pressure System.



**ARTICLE V.  
EXTENSIONS AND ADDITIONS TO THE SEWER SYSTEM**

See “Policy, Regulations, and Standard Specifications for the Construction of Sanitary Sewer Extensions” (Separate Cover).

All costs and expenses associated with the construction of sanitary sewer extensions and/or upgrades to the Sewer System shall be borne by the Owner of the Improved Property.

The Authority and its Engineer must approve all plans (layouts, construction details, connection points and tie-ins, etc.) prior to any construction beginning. The Owner of the Improved Property is required to pay for all fees and costs related to these reviews.

The Owner of the Improved Property is required to bond all work related to the construction of sanitary sewer extensions and/or upgrades through bond, cash deposit, or other method of financial security as, and in the amount, approved by the Authority.

**ARTICLE VI.  
RATES, CHARGES, AND BILLING**

**SECTION 6.10: Tapping, Connection, and Customer Facilities Fees**

For each connection made to the Sewer System, the following fees and charges will be imposed:

- A. For all connections made to the Sewer System (including the existing system, additions to the system, and capped sewers, whether built by the Authority or built by or at the expense of developers), a **Tapping Fee** shall be imposed to reflect the value of service readily available for use and to reflect the capital costs associated with the Authority's wastewater facilities.

This Fee shall also be imposed whenever: (1) a new building or facility is connected to an existing Building Sewer or the internal drainage system of an existing building or facility; (2) an existing building or facility is expanded in such a way that the generated quantity of wastewater is likely to exceed one EDU. Flow estimates shall be made by the Authority based on sound engineering practice.

Said Tapping Fee shall be as shown on the Rate Resolution and shall be due and payable at the time the application for connection is filed. Said Tapping Fee shall be in addition to any and all other fees and charges pursuant to this Article.

If two (2) or more residential units, stores, offices, industrial units, etc., are connected to the Sewer System through a single lateral, or if two (2) or more types of uses are made of the same Improved Property, the Tapping Fee shall be computed as though each residential unit, store, office, industrial unit, etc., were a separate Improved Property or user with a separate connection to the Sewer. In other words, multiple uses of the same building are additive.

- B. EDU Schedule:

TYPE	EDU Determination
Residential	1.0 EDU per Dwelling Unit
Commercial	Projected Flow x Flow per EDU
Institutional	Projected Flow x Flow per EDU
Trailer (Mobile Home) Park	1.0 EDU per Trailer (Mobile Home)
Apartments	1.0 EDU per Apartment
Hotels and Motels	100 gallons per day per room

Notes: (1) Refer to Tapping Fee Resolution for Flow per EDU (2) Projected Flow is subject to look back period and adjustment by the Authority following one year of full occupancy or change in use or function as determined by the Authority

- C. For all connections made to the Sewer System (including the existing system,

additions to the system, and capped sewers, whether built by the Authority or built by or at the expense of developers), a **Connection Fee** shall be imposed to reimburse the Authority for the costs of facilities installed between the Sewer Main and the property line of the property to receive service.

Said Connection Fee shall be as shown on the Rate Resolution and shall be due and payable at the time the application for connection is filed. Said Connection Fee shall be in addition to any and all other fees and charges pursuant to this Article.

- D. For all connections made to the Sewer System (including the existing system, additions to the system, and capped sewers, whether built by the Authority or built by or at the expense of developers), a **Customer Facilities Fee** shall be imposed to reimburse the Authority for the costs of facilities installed between the property line and the internal plumbing of the property to receive service.

Said Customer Facilities Fee shall be as shown on the Rate Resolution and shall be due and payable at the time the application for connection is filed. Said Customer Facilities Fee shall be in addition to any and all other fees and charges pursuant to this Article.

**SECTION 6.20: Reservation of Capacity Fee**

- A. By specific resolution of the Authority, a Reservation of Capacity Fee will be imposed upon the Owners of property who have requested the Authority to reserve capacity for future development, either directly or by submitting a Planning Module for the Authority's approval.
- B. The Reservation of Capacity Fee shall be in an amount established from time to time by the Authority, as shown on the Rate Resolution, and shall be billed and collected at the same time and in the same manner as the Sewer Rentals or Charges imposed by the Authority for the users of the Sewer System.
- C. Reservation of capacity and payment of the Reservation of Capacity Fee shall be limited to one year. Connection to the sewer system must be completed within sixty (60) days of the end of that year.

**SECTION 6.30: Sewer Rental Rates or Charges**

Sewer rental rates or charges are imposed upon, and shall be collected from, the Owner of each Improved Property, which shall be connected with the Sewer System. The charge is for use of the Sewer System, whether such use shall be direct or indirect, and shall be payable as provided herein.

Sewer rental rates or charges shall be based upon the Rate Resolution adopted by the Authority and amended from time to time.

- A. All Sewer rental charges shall be computed in accordance with the rates shown on the Authority's current Rate Resolution.
- B. The Sewer rental charges for all Residential, Commercial, and/or Institutional Establishments shall be as listed in the Authority's current Rate Resolution.
- C. The Sewer rental charges for all Industrial Establishments, not subject to special charges hereunder, shall be the sum of the flat rate per quarter annum listed in the Authority's current Rate Resolution for discharge volumes less than or equal to two thousand (2,000) gallons and the variable rate listed in the Authority's current Rate Resolution per additional thousand (1,000) gallons discharged, whether directly or indirectly, into the Sewer System during the period of time of which the Sewer rental charges constitute.
- D. Sewer rental charges shall commence and shall be effective as of the date of connection of each such Improved Property to the Sewer System or sixty days from service or receipt of the Authority's notice to connect each such Improved Property to the Sewer System, whichever event shall occur first, and shall be payable as provided herein, in accordance with the Rate Resolution adopted by this Authority.
- E. Owners of any Nonresidential Establishment shall be responsible for providing this Authority with complete information required to compute the sewer rate or charges to such Nonresidential Establishment including that information required to compute any Surcharge. The Authority will consider performing the required analysis to determine any Surcharge, if requested. Costs for this analysis shall be billed to the Owner of the Nonresidential Establishment.

If the Owner of any Nonresidential Establishment shall fail to provide this Authority with complete information required to compute the sewer rental rate or charge to such Nonresidential Establishment, this Authority may estimate a reasonable applicable sewer rental rate or charge for such Nonresidential Establishment and such estimated sewer rental rate or charge shall be the actual sewer rental rate or charge payable until the required information is filed; provided, however, that no rebates will be paid by this Authority if the information filed reveal a lower indicated sewer rental rate or charge than that estimated by this Authority.

- F. Where more than one use occurs on an Improved Property, the sum of EDUs for each separate use will apply in establishing sewer rates and charges.
- G. If two or more families, that is groups of Persons, use separate cooking and/or toilet facilities in an Improved Property, the sewer rental rate or charge payable hereunder shall be computed as though each such family was a separate user with a separate connection to a sewer.
- H. Once billing has begun for an Improved Property or rental unit, it continues whether the unit is vacant or occupied.

- I. The Authority reserves the right to inspect vacant mobile home court lots and spaces to determine if the sewer lateral has been adequately plugged to prevent the infiltration of groundwater, melting snow, sticks, stones, vermin, etc. into the collection system within the mobile home court and subsequently to the Sewer System owned and operated by the Authority. For each open lateral discovered by the Authority, an illegal connection inspection fee, as shown on this Authority's Rate Resolution, will be charged to the mobile home court operator to defray the costs of inspection.
- J. Once service is established to a mobile home in a mobile home court, be it lot or rental unit, the unit will be billed for service whether the unit is vacant or occupied.
- K. If an Owner of an Improved Property pays the rate in advance and during that time the rates are increased, the Owner of the Improved Property is responsible for that increase.
- L. In the event a municipal sewerage customer requests a change to their EDU billing classification, said customer shall submit to the Authority a request in writing, signed by the municipal sewerage customer requesting the change.
  - a. Each written request for a change in a customer's EDU billing classification shall provide sufficient facts and credible evidence to support the desired change.
  - b. Each written request for a change in a customer's EDU billing classification shall be submitted to the Authority within ninety (90) days of the mailing of the bill to which the request pertains. A failure to provide a written request to change a customer's EDU billing classification within this timeframe will result in an acceptance of the billing rate of the disputed bill.
  - c. The Authority shall determine within sixty (60) days after receiving each written request for a change in EDU billing classification whether the requesting customer is entitled to the requested change. The Authority shall communicate this decision, in writing, to the requesting customer. Each denial of a written EDU billing classification change request shall state the reason for the denial. All decisions rendered regarding requests to change a customer's EDU billing classification, as set forth in these Rules and Regulations, shall be appealable to the Authority Board.
- M. Every Owner of an Improved Property which is connected to the Sewer System initially shall provide this Authority with and thereafter shall keep this Authority advised of his/her correct mailing address. Failure of any Person to receive bills for sewer rental rates and charges shall not be considered an excuse for nonpayment nor

shall failure result in an extension of the period of time during which the net bill shall be payable.

- N. Failure of an Owner of an Improved Property to reach this Authority for any reason shall not be considered an excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.
- O. Nothing contained herein shall be construed as prohibiting special agreements between this Authority and Owners of Improved Properties under conditions and circumstances making special agreements advisable and necessary.
- P. Sewer rental rate bills are required to be mailed directly to the Owner of record and NOT to a tenant. Any agreement of payment between Owner and tenant must be considered a transaction between both and in no way concerns the Authority. The property Owner is always ultimately responsible for bill payment to the Authority.
- Q. Time and Method of Payment
  - 1. All bills for sewer and charges shall be rendered on the first days of January, April, July, and October, respectively, in each year, or as soon after the first day of said months as is possible and shall cover a quarterly billing period consisting of the immediately preceding three calendar months.
    - a. Owners of Improved Property connected to the Sewer System during any calendar quarter shall pay a pro rata sewer rate and charge for service for the balance of the calendar quarter.
  - 2. Sewer rates and other charges shall be due and payable five (5) days after mailing or delivery by on behalf of this Authority to the Owner responsible for payment thereof and shall be payable at the office of the Authority at 711 Birkbeck Street, Freeland, Pennsylvania, by mail, online, or by telephone.
    - a. If sewer rates and charges are not paid within thirty (30) calendar days after each billing date, an additional sum, in the amount shown on this Authority's Rate Resolution, shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill.
    - b. Payment made, mailed and post-marked on, or paid in person on or before the last business day, within office hours (8am-4:30pm), of such thirty (30) calendar day period shall constitute payment within such period.
    - c. If the end of such thirty (30) calendar day period shall fall on a legal holiday or a Sunday, payment made or mailed and post-marked on the next succeeding business day which is not a legal holiday shall

constitute payment within such period.

- d. If sewer rental rates and charges are not paid within sixty (60) calendar days after each billing date, an interest rate, in the amount shown on this Authority's Rate Resolution, shall be added thereafter. Interest shall accrue on any delinquent account at the rate which is shown in this Authority's Rate Resolution.
  - e. Any and all payments received on delinquent accounts shall be applied first to interest and penalty accrued on such account, and then to the oldest outstanding gross bill, including any accumulated late fee and each remaining gross bill thereafter in chronological order.
3. Following 60 days, if the municipal bill is still unpaid, a civil complaint will be filed with the Prothonotary of Luzerne County, Pennsylvania for collection or a municipal lien, including but not limited to the costs, interest, constable's/sheriff's fee, and attorney's fee will be the responsibility of the Owner of the Improved Property. If the bill remains unpaid, the Authority will proceed with the sheriff's sale of the Improved Property.
  4. Monthly sewer rental rate payments will be accepted. Additionally, the Authority will accept automated payments from a customer's bank account.
  5. In the event a payment of sewer rental rates or other charges rendered by this Authority are returned by a banking institution for any reason, a charge for each instance, in the amount shown on this Authority's Rate Resolution, shall be added on the property owner's account. The Authority may also demand payment of the account by cash, certified check, bank draft, cashier's check, or bank/postal money order. The account, which was paid by the returned check, shall be considered delinquent until full payment is rendered.

**SECTION 6.40: Inflow Inspection Fee and Inflow Charge**

- A. Inflow Inspection: Subject to the following conditions, the Authority shall have the right to enter any customer's home or business for the purpose of inspecting and confirming that the customer is not introducing any water other than Domestic Wastewater into the Sewer System. By performing such inspections, it is the intent of the Authority to minimize the costs associated with the illegal introduction of rain, surface, ground, runoff, and other waters collecting in the Sewer System.
- B. Notice of Inspection: The Authority shall give each customer, or a customer and a customer's tenants in the event of a known rental property, fifteen (15) days' notice of an inflow/infiltration inspection pursuant to these Rules and Regulations. The notice shall include the date and time of the proposed inspection, the purpose of the inspection, and instructions that the customer shall contact the Authority if the customer will be unavailable or if the inspection will not be reasonably possible at

the requested time. The Authority shall have the right to reschedule an inspection at a customer's request, provided that the date of inspection must be within thirty (30) days of the date of Notice of Inspection, unless the customer is not reasonably available within such timeframe, in which case the inspection shall be scheduled as soon as reasonably possible.

- C. Inflow Inspection Procedures: At the appointed date and time, representatives of the Authority shall have the right to enter the customer's home and inspect each connection that a customer may have with the Sewer System. Should an illegal connection be found, the customer will be assessed an inspection fee, in the amount shown on this Authority's Rate Resolution, for the initial inspection. If it is determined at the initial inspection that the customer has no illegal connections with the Sewer System, there shall be no charge for the inspection.
- D. Notice of Violation: If, following an inspection, the Authority determines that a device contributing to unlawful and unauthorized inflow is located on a premises, the Authority shall immediately notify the customer, in writing, of the presence of said device. The customer or Owner shall thereafter have fifteen (15) days from the date of the Notice of Violation from which to disconnect the device. Upon the expiration of the fifteen (15) day period, the Authority shall conduct a follow-up inspection in order to verify compliance with the Notice of Violation. Additional compliance inspections may also be conducted. The customer will be assessed an inspection fee, in the amount shown on this Authority's Rate Resolution, for each inspection in which the Authority finds any violations. If it is determined at any inspection that the customer has no illegal connections with the Sewer System, there shall be no charge for the inspection.
- E. Inflow Charge: If, after fifteen (15) days of receiving a Notice of Violation, a follow-up inspection confirms that a customer is continuing to contribute unauthorized inflow into the Sewer System, the Authority shall impose an Inflow Charge against the customer in the quarterly amount shown in this Authority's Rate Resolution. The Authority shall alternatively impose the Inflow Charge if, after thirty (30) days of a Notice of Inspection, a customer does not allow the Authority to undertake the inflow inspection as scheduled or make alternative scheduling arrangements in accordance with these Rules and Regulations. The Inflow Charge shall be added to the quarterly billing for each such customer of the system in accordance with the provisions hereof. Said charge shall be used to generate income for the Authority to treat unauthorized inflow being generated from sump pumps and other similar unlawful devices. The Inflow Charge shall be billed and collected on the same schedule as the quarterly sewer rental charge. The Board may increase or decrease the Inflow Charge by appropriate resolution.
- F. Appeal: Any customer or Owner who receives a written Notice of Violation or who receives an Inflow Charge may file a written appeal with the Authority not later than ten (10) days from the date of the Notice of Violation or thirty (30) days from the date of the billing of the Inflow Charge. The filing of an appeal will temporarily stay



the requirement that an unlawful and unauthorized inflow causing device to be dismantled, but it will not stay the imposition of the Inflow Charge, unless otherwise determined by the Authority. Upon the filing of an appeal, the Authority Board shall grant the right of the appealing customer or Owner to explain at the next Board meeting why such appeal should be granted. Upon granting the appealing customer or Owner the right to be so heard, the Authority Board shall have the right to take any action deemed reasonable under the circumstances.

- G. Injunction: The Authority shall require the elimination of any unlawful and unauthorized inflow causing device. The Authority may pursue an order from the Luzerne County Court of Common Pleas requiring the elimination of the device if the customer or Owner fails to comply with any Notice of Violation issued by the Authority. The customer or Owner shall be responsible for the Authority's cost and expenses, including its attorney fees, if the Authority is required to pursue legal action in order to accomplish the dismantling or removal of an unlawful and unauthorized inflow causing device. In addition to the above, the Authority, in such a situation, may take all other actions provided for by law. Until the device in question is eliminated, the charge provided for herein shall apply to the account and not be refunded.
- H. Periodic Change: If it is deemed necessary by the Board of the Authority, the Inflow Charge and associated actions by the Authority may be imposed annually or more frequently as the Board of the Authority so determines. The assessment and inspection schedule for all future impositions of this Inflow Charge shall be at the discretion of the Board of the Authority.
- I. Schedule of Initial Assessments: So as to provide ample opportunity for inspection by the Authority, and fee avoidance by the Authority's customers, the initial Inflow Charge will not be charged to all customers of the system simultaneously but will be introduced in stages at the discretion of the Authority Director.
- J. Notice Requirements: Each Notice provided to a customer in accordance with this section of these Rules and Regulations shall be mailed via first-class U.S. Mail or the equivalent.
- K. Tenant/Owner Responsibilities: The Inflow Charge will be assessed, if necessary, against the registered customer of the Authority. Ultimate responsibility for compliance with these Rules and Regulations shall fall to the Owner as with all Authority charges and fees. The Authority advises all parties in a landlord-tenant relationship to work together to comply with the requirements set forth in these Rules and Regulations.

**SECTION 6.50:      **Surcharges for Excess Strength Compatible Pollutants from Nonresidential Establishments****

- A.      Surcharge Fees, Rates, and Charges are hereby established for Nonresidential

Establishments who discharge Wastewater to the Sewer System with characteristics in concentration greater than the concentration values established as representative of normal Sanitary Sewage, which are listed in the Rate Resolution adopted by the Authority and amended from time to time.

B. Initial Survey

1. The Authority may make an initial survey of the discharge from Nonresidential Establishments to determine the applicability of the Surcharge.

The survey shall consist of suitable sampling and analysis of the wastewaters for three (3) consecutive days during a period of normal industrial or commercial operation.

2. Based on the survey results, the Authority may institute the Surcharge and/or require the Owner to provide such tests, equipment, and information as will provide a further basis for determination of the Surcharge.

C. Frequency of Surcharge Monitoring: After the initial survey the Authority shall determine the frequency of surcharge monitoring; provided, however, subsequent monitoring shall be conducted at least annually for three consecutive days during a period of normal industrial or commercial operation.

D. Data to Determine Surcharge

1. Where the Authority determines that accurate information exists, the Surcharge shall be based on the volume of wastewater used for billing purposes for the appropriate period and the concentration of surchargeable pollutants measured in a composite sample taken over the duration of the discharge or twenty-four (24) hours, whichever is shorter. Where the discharge exceeds twenty-four (24) hours, the composite sample shall form the basis for surcharge billing until such time as the Authority, on its own initiative or upon request of the Owner, takes another 24-hour composite sample.
2. Where the Authority determines that accurate information does not exist, the Surcharge shall be based on the Authority's estimates of wastewater volume and concentration of surchargeable pollutants for the appropriate period as determined by:
  - a. a grab sample, or;
  - b. typical concentrations for similar operations as published in technical literature, or;

- c. wastewater surveys of discharges from other similar operations.
  - 3. The cost of obtaining all information required to determine the surcharge shall be borne by the Owner. This includes, but is not limited to, the costs of sample collection, flow measurement, and laboratory analysis.
  - 4. In establishing pollutant concentrations for surcharge purposes, all analyses shall be made in accordance with the latest edition of "Standard Methods".
- E. Surcharges shall be calculated in US dollars using the following formulas:

*BOD<sub>5</sub> Surcharge*

$$= \left( OMP * \frac{M}{4} * \frac{(Discharge\ Conc. - Domestic\ Conc.) * 8.34 * Q}{B} \right) + \left( CCP * \frac{ACF}{4} * \frac{(Discharge\ Conc. - Domestic\ Conc.) * 8.34 * Q}{B} \right)$$

$$TSS\ Surcharge = \left( OMP * \frac{M}{4} * \frac{(Discharge\ Conc. - Domestic\ Conc.) * 8.34 * Q}{B} \right) + \left( CCP * \frac{ACF}{4} * \frac{(Discharge\ Conc. - Domestic\ Conc.) * 8.34 * Q}{B} \right)$$

Where:

OMP = Operation and Maintenance Cost Percentage, taken as a percentage of total facility O&M Costs attributed to the treatment of a specific pollutant,

CCP = Capital Cost Percentage, taken as a percentage of total annual Debt Service Cost attributed to the treatment of a specific pollutant,

M = Total annual Operation and Maintenance budget for fiscal year in which loadings were discharged to the Sewer System,

ACF = Total annual debt services cost for the fiscal year in which loadings were discharged to the Sewer System,

B = Average loading of the specific pollutant of concern discharged to the Sewer System over the calendar quarter analyzed, expressed in pounds per day, and

Q = Average daily flow, expressed in million gallons per day, from the Nonresidential Establishment from which a Surcharge is owed.

**SECTION 6.60: Review and Inspection Fees**

Review and inspection fees associated with the Authority’s Engineer, Solicitor, and Inspector, as well as fees associated with the Engineer’s Inspector are as set forth in this Authority’s Rate Resolution. Review and inspection fees reflect the costs of services

provided to the Authority that are required in order for the Authority to provide access to and ensure the proper functioning of the Sewer System.

**SECTION 6.70: Fines for Improper Connections/Violations of Authority Rules and Regulations**

Whenever it appears that the connection of a property to the Sewer System has been improperly made or whenever it appears there has been a violation of the Rules and Regulations of the Authority, the Authority reserves the right to charge a fine in the amount shown on this Authority's Rate Resolution for each day the property is improperly connected to the Sewer System. The Authority also reserves the right to pursue immediate correction of any violation, including by filing an injunction request with the relevant court or administrative body, in which case all costs and fees associated with the action shall be paid by the Property Owner.

**SECTION 6.80: Estimated Charges**

Whenever any person discharges or permits to be discharged any material into the Sewer System by any means other than through a connection approved in accordance with these regulations, the Authority reserves the right to estimate the quantity and strength of the material and to make an appropriate charge based on such estimate.

**SECTION 6.90: Measuring Volume for Industrial Establishments**

A. Methods of Measuring Volume

1. Whenever the entire water supply of an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, which shall be discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System, is supplied by the Water System, the volume of water furnished, as determined from meter readings of the Water System, shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Section.
2. Whenever an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment, which shall be discharging Sanitary Sewage and/or Industrial Wastes into the Sewer System, shall have a source or sources of water supply in addition to or other than the Water System, the Owner of such Improved Property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume was water consumed, as determined from the meter readings of the Water System and the meter readings of the meter or meters on such additional or other source or sources of water supply, as appropriate, shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing the sewer rentals or charges, subject to adjustment, if

appropriate, as provided by this Section.

3. Whenever an Improved Property or, if applicable, a Billing Unit or Billing Units located therein, constituting an Industrial Establishment shall use water from the Water System and/or water from a source or sources of supply in addition to or other than the Water System for cooling or unpolluted commercial or industrial process purposes and all or part of the water so used shall not be discharged into the Sewer System, the volume used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges may be adjusted by one (1) of the following methods:
  - a. By installing a meter or other measuring device on the connection to the Sewer System. The readings from such meter or measuring device shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges.
  - b. By installing a meter or other measuring device to measure the volume not being discharged into the Sewer System. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or changes.
  - c. If it is not practicable, in the opinion of the Authority, to install a meter or other measuring device to determine continuously the volume not discharged into the Sewer System, the Authority shall determine, in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the Sewer System. The quantity of water used as the measure of discharge of Sanitary Sewage and/or Industrial Wastes in computing sewer rentals or charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to the Authority, after notice of such estimate. The decision of the Authority with respect to the matter shall be final for the then current calendar year.

#### B. Measuring Devices

1. Meters or other measuring devices which shall not be available in connection with the Water System, but which shall be required or permitted under this Section, shall be furnished and installed in accordance with specifications of the Authority and/or Borough by the Owner of the Improved Property at his expense, shall be under the control of the Authority and may be tested, inspected, or repaired by the Authority whenever necessary. The Owner of the Improved Property upon which such meter or measuring device shall be

installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the expense of the Owner, whether such repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Authority, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.

2. The Authority, except to the extent that meter readings are made by any other person in connection with the Water System and are made available to the Authority for purposes of this Section, shall be responsible for the reading of all meters or other measuring devices and the same shall be made available to the Authority at all reasonable times.

**SECTION 6.100: Billing and Collection Procedures**

Billing and collection procedures are as set forth in these Rules and Regulations, in accordance with this Authority's current Rate Resolution.

**SECTION 6.110: Industrial Wastewater Fees**

A. 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.

B. Fees That May Be Charged

The Authority may adopt charges and fees which may include:

1. Fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program;
2. Fees for monitoring, inspections and surveillance procedures;
3. Fees for reviewing accidental discharge procedures and construction;
4. Fees for Wastewater Discharge Permit applications;
5. Fees for filing appeals;
6. Fees for consistent removal (by the Sewage Treatment Plant) of Pollutants otherwise subject to Categorical Standards; and
7. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by Article IX of this Resolution and are separate from all other fees chargeable by the Authority.

**ARTICLE VII.  
NO ABATEMENT OF RENTALS OR CHARGES**

**SECTION 7.10: No Abatement Except for Physical Disconnection**

There shall be no abatement of Sewer Rentals or Service Charges imposed by this Resolution unless the property for which an abatement has been requested has been physically disconnected from the Sewer System in a manner satisfactory to the Authority.

Physical disconnection is defined, in all cases, as the capping of the lateral pipe at the structure end and at the sewer connection end. The Owner shall be responsible for the work required to physically disconnect.

Disconnections and reconnections are subject to inspection and associated fees as listed in the Authority's current Rate Resolution. Reconnections shall not be permitted if outstanding debt exists.

Sewer Inspection/Reconnection Fee of \$35.00 was approved on June 20, 2023, at the Monthly Meeting.

**ARTICLE VIII.  
GENERAL RESTRICTION OF HARMFUL DISCHARGES**

**SECTION 8.10: No Connection Allowed and Disconnection for Harmful Discharges**

In order to prevent discharges deemed harmful, or to have a deleterious effect upon any portion of the Sewer System, the Authority reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System, or to compel treatment of wastewaters by any person using the Sewer System. Nonresidential Establishments are, also, subject to the additional requirements of Article IX.

**SECTION 8.20: Reference to Section 9.20**

All Persons using the Sewer System shall be subject to the prohibited discharge requirements of Section 9.20.



**ARTICLE IX.  
WASTEWATER CONTROL REGULATIONS**

**SECTION 9.10: Purpose and Policy**

A. Purpose

This Article sets forth the following uniform requirements for Users of the Sewer System and enables the Authority to regulate the use of the Sewer System and to comply with the requirements of the Clean Water Act and other applicable State and Federal laws and regulations:

1. Requirements regulating the introduction of Wastewater into the Sewer System by all Users,
2. Establishing an Industrial Pretreatment Program to monitor and control the Discharge of Industrial Wastes.

B. Objectives

The objectives of this Article 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 Collection System or the Sewage Treatment Plant, or reduce the efficiency or effectiveness of the 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; and
7. To enable the Authority to comply with all applicable State and Federal laws rules and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards, and water quality standards.

**SECTION 9.20: Prohibited Wastes and Pollutant Limitations**

A. Discharge of Stormwaters

No Person shall Discharge or cause or permit to be Discharged any stormwater, surface water, groundwater, roofwater, subsurface drainage, or building foundation drainage into any Sanitary Sewer.

#### B. Prohibited Discharges

No User shall Discharge or cause to be Discharged, directly or indirectly, any Pollutant or Wastewater which will cause a Pass Through or Interfere 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 or any other Pretreatment Requirements. A User may not Discharge the following substances to the Sewer System:

1. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the 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. Prohibited materials include, but are not limited to, the following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates, and carbides.
2. 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 oil, mud, or glass grinding or polishing wastes.
3. 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.
4. 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 in the receiving waters of the Sewage Treatment Plant, or to exceed the limitation set forth in an applicable Categorical Standard.
5. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other substances normally 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.

6. Any substance which results in the formation or release of toxic gasses, vapors or fumes in a quantity that may cause acute worker health and safety problems.
7. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through, but in no case exceeding 20 mg/L.
8. Fats, oils, greases or waxes of animal or vegetable origin in amounts which cause Interference with the POTW, including but not limited to physical obstruction of Sewers.
9. 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.
10. Any substance which will cause the Authority to violate its NPDES and/or State Collection System Permit or applicable receiving water quality standards.
11. Any Wastewater with objectionable color which will Pass Through the Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions.
12. 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 40° C (104° F).
13. 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. BOD in excess of 1,500 mg/l in a composite sample, and 2,250 mg/l in any grab sample is prohibited. In no case shall a Slug Load be discharged.
14. 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.
15. Any trucked or hauled Wastewater or Pollutants except those discharged at points designated by the Authority.
16. Any Wastewater which is incompatible with treatment processes in use at the

Sewage Treatment Plant so as to cause Interference or Pass Through.

17. 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.

C. Unauthorized Discharges

Discharge of any prohibited substance listed under Section 9.20.B. 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 9.40 and 9.50 of this Article.

D. Categorical Standards

1. If the Categorical Standards for a particular Industrial User are more stringent than Local Limits or other requirements imposed under this Resolution, then the Categorical Standards shall apply. The Authority shall notify all affected Industrial Users of the applicable reporting requirements under 40 CFR, §403.12. 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.
2. When the limits in a Categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, the Authority may implement the limits as equivalent mass limits. An Industrial User may request equivalent mass limits from the Authority in writing. Upon receiving such a request the Authority will determine if the Industrial User meets the eligibility criteria for mass limits as listed in Sections 9.20.D.2.a.(1) through (5) below. The Authority may determine that an Industrial User meets the criteria, but choose not to implement the limits as equivalent mass requirements based on other considerations.
  - a. To be eligible for equivalent mass limits, the Industrial User must:
    - (1) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;
    - (2) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;
    - (3) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average

production rate must be representative of current operating conditions;

- (4) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and
- (5) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

b. An Industrial User subject to equivalent mass limits must:

- (1) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;
- (2) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;
- (3) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph a.(3) of this section. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and
- (4) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph a.(1) of this section so long as it discharges under an equivalent mass limit.

c. When establishing equivalent mass limits, the Authority:

- (1) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;
- (2) Will, upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and
- (3) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual

average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 9.20.H. The Industrial User must also be in compliance with Section 9.20.O. (regarding the prohibition of bypass).

E. Removal Credits

Where the Sewage Treatment Plant achieves consistent removal of Pollutants limited by Categorical Standards, the Authority may apply to the Approval Authority for modification of specific limits in the Categorical Standards. If the requirements contained in 40 CFR, §403.7, are fulfilled and prior approval from the Approval Authority is obtained, the Authority may then modify Pollutant discharge limits in the Categorical Standards.

F. 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 Article.

G. Local Limits

The Authority may establish Local Limits regulating the Discharge of specific Pollutants by Industrial Users.

1. Local Limits may be established for any substance which is Discharged, or is likely to be Discharged, to the Sewer System.
2. Local Limits may limit concentration, mass, or a combination of the two.
3. The procedure for the calculation of Local Limits should be as recommended by the Approval Authority. Whenever possible, the calculation of Local Limits shall be technically based, using all available information.
4. Local Limits shall be calculated to prevent Interference; Pass Through; the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the Sewer System.
5. Local Limits shall be applied to all Significant Industrial Users and shall be included in all Wastewater Discharge Permits. Local Limits may be applied to other Industrial Users if deemed appropriate by the Authority.
6. Discharging any pollutant in excess of a Local Limit established for that Pollutant shall constitute an Unauthorized Discharge. Such a Discharge is subject to the actions and penalties set forth herein.
7. The Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

8. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

<b><u>PARAMETER</u></b>	<b><u>CONCENTRATION (mg/L)</u></b>	<b><u>DURATION</u></b>
Arsenic – Total	0.12	Monthly Average
Cadmium – Total	0.01	Monthly Average
Chromium – Total	1.7	Monthly Average
Copper – Total	0.09	Monthly Average
Cyanide – Total	0.04	Monthly Average
Lead – Total	0.19	Monthly Average
Mercury – Total	0.001	Monthly Average
Molybdenum – Total	0.44	Monthly Average
Nickel – Total	0.33	Monthly Average
Selenium – Total	0.05	Monthly Average
Silver – Total	0.009	Monthly Average
Zinc – Total	0.84	Monthly Average
Ammonia Nitrogen	25	Monthly Average
BOD	200	Monthly Average
TSS	200	Monthly Average
TDS	1,000	Daily Maximum
Nitrate-Nitrite	375	Monthly Average
Oil & Grease	50	Monthly Average
Phenols	1,216	Monthly Average
Chloride	1,320	Monthly Average
Aluminum – Total	7.1	Monthly Average
Iron – Total	15.3	Monthly Average
Manganese – Total	23	Monthly Average

\*BOD = Biochemical Oxygen Demand (5-Day); TSS = Total Suspended Solids; TDS = Total Dissolved Solids

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Authority may impose mass limitations in addition to the concentration-based limitations above.

9. The Authority may develop Best Management Practices (BMPs), by resolution or in individual wastewater discharge permits (or general permits), to implement Local Limits and the requirements of Section 9.20.B. "Prohibited Discharges."

#### H. 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.

#### I. Slug Loads and Spills

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

##### 1. Notification

- a. In the case of a Spill or Slug Load or other Unauthorized Discharge, it is the responsibility of the Industrial User to 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.
- b. In the event a change is made at a facility that affects the potential for discharge of a Spill or Slug Load, or other Unauthorized Discharge the Industrial User shall immediately notify the Authority of the change.

##### 2. 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 in the event of a Spill or other Unauthorized Discharge. Employers shall insure that all employees who may cause or suffer such a Discharge to occur are advised of the emergency notification procedure.

##### 3. Written Notice

Within five (5) days following a Spill, Slug Load, or other Unauthorized Discharge, 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 Article or applicable law.

4. SPCC Plans

All existing Significant Industrial Users shall complete and obtain approval of a Spill Prevention Control and Countermeasure (SPCC) 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. Industrial Users other than Significant Industrial Users may be required to submit a SPCC Plan at the discretion of the Authority. Such Plans shall, at a minimum, contain the elements specified in 40 CFR §403.8(f)(2)(v)(A)-(D). SPCC 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.

J. Drainage of Water Filtration Systems

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

1. Granular media filter backwash water may be Discharged to the Sewer System, subject to all of the applicable provisions of this Article.
2. 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.

K. Trucked and Hauled Wastes

1. Discharge of trucked or hauled wastes shall be made at a point designated by the Authority.
2. Such wastes shall conform to all requirements of the Industrial Pretreatment Program regarding Prohibited Discharges, regulated characteristics, Local Limits, or other requirements as to nature and concentration.
3. No trucked or hauled wastes shall 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.

4. In order to implement the provisions of paragraph 3 of this Section, 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.

L. Grease and Sand Traps

Shall meet the requirements of SECTION 3.240.

M. Garbage Grinders

The use of mechanical Garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted, upon the condition that no such mechanical Garbage grinder used for commercial or business purposes shall be installed until permission for such use has been obtained from the Authority.

N. Notification Requirements - Hazardous Wastes and Hazardous Substances

1. All Industrial Users shall notify the Authority, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Protection, 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:
  - a. An identification of the hazardous constituents contained in the waste;
  - b. An estimation of the mass and concentration in the Wastewater of all such constituents discharged in the most recent month; and
  - c. An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve months.
2. Industrial Users that commence discharge 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 paragraph 4. of this Section.
3. 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.

4. 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).
5. 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.
6. 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.

O. Bypass

1. Bypass is prohibited, and the Authority may take enforcement action against an Industrial User for a bypass, unless;
  - a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
  - b. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and
  - c. The Industrial User submitted notices as required under paragraph 3. of this section.
2. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs 1., 3. and 4. of this section.

3. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Authority, if possible at least ten days before the date of the bypass. The Authority may approve an anticipated bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in paragraphs 1.a. through 1.c. of this section.
4. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Authority within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

**SECTION 9.30: Permits and Reports for Industrial Waste Discharged into the Sewer System**

**A. Requirement for Wastewater Discharge Permits**

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 Article, is an Unauthorized Discharge and subject to the penalties provided herein.

**B. Significant Industrial Users**

1. All Significant Industrial Users, including those meeting the description of a Middle Tier Categorical Industrial User, 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.
2. At the discretion of the Authority, General Permits may be available for groups of Significant Industrial Users. Upon review of an application for a new or renewal Wastewater Discharge Permit the Authority may recommend that a Significant Industrial User be covered under a general permit. When applying for a new or renewed discharge permit, an industrial user may also request coverage under a general permit. To be eligible for coverage under a general permit the SIU must meet the following criteria, as determined by the Authority, when compared with other facilities covered under the general permit:
  - a. Involve the same or substantially similar types of operations;
  - b. Discharge the same types of wastes;
  - c. Require the same effluent limitations;

- d. Require the same or similar monitoring; and
  - e. In the opinion of the Authority, are more appropriately controlled under a general control mechanism than under individual control mechanisms.
3. The Authority may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations.

C. Other Industrial Users

Industrial Users which are not Significant Industrial Users do not require a Wastewater Discharge Permit, but are required to comply with all other provisions of this Article. 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.

D. 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 Authority's schedule of fees, at least 90 days prior to connecting to or Discharging to the Sewer System. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

1. Facility name, address, location, (if different from the address), and the name and phone number of a facility contact.
2. SIC number or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
3. Wastewater constituents and characteristics as required by the Authority, as determined by a Qualified Analyst; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
4. Each product by type, amount, process or processes and rate of production;
5. Type and amount of raw materials processed (average and maximum per day);
6. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
7. Time and duration of Wastewater or Industrial Waste contribution;

8. Average daily and 30 minute peak Wastewater flow rates, including daily, monthly and seasonal variation if any;
9. Site plans, floor plans, mechanical and plumbing plans and details to show all Building Sewers, Sewer connections, and appurtenances by the size, location and elevation;
10. Description of activities, facilities and plant processes on the premises including all materials which are or could be Discharged, and a proposed discharge sampling location;
11. The nature and concentration of any Pollutants in the Discharge which are limited by any Authority, State, or Federal Pretreatment Requirements (including Local Limits), or Categorical Standards, and a statement regarding whether or not the Categorical Standard or Pretreatment Requirements are being met on a consistent basis and, if not, how the Industrial User proposes to meet the Categorical Standards and/or Pretreatment Requirements, including whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the applicable Categorical Standard or Pretreatment Requirement. If the applicant is a Categorical Industrial User, this statement shall be signed by a Certified Professional;
12. If additional Pretreatment and/or O&M will be required to meet Categorical Standards, Prohibitive Discharge Standards, or other Pretreatment Requirements (including Local Limits), the shortest schedule by which the Industrial User will provide such additional facilities or procedures shall be developed and submitted. The completion date of this schedule shall not be later than the compliance date established for any applicable Categorical Standard.

The following conditions shall apply to this schedule:

- (a) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the 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.).
- (b) No increment referred to in subparagraph (a) shall exceed 9 months.
- (c) Not later than 14 days following each date in the schedule 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.

13. Compliance information for any applicable best management practices.
14. Any other information as may be deemed by the Authority to be necessary to evaluate the application.
15. The application shall be signed and attested to by 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.

E. Confidentiality of Applications

1. All information required by the Authority in the Permit application shall be provided by the Industrial User to the best of its ability.
2. If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the Industrial User, such information shall be marked "confidential" on the application form.
3. Confidentiality shall not apply to information regarding the flow of or the constituents in the Industrial Wastewater Discharge.
4. Information accepted by the Authority as confidential shall be handled as detailed in this Article.

F. Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Article and all other applicable regulations, user charges and fees established by the Authority. Permits shall contain the following:

1. Limits on Wastewater constituents and characteristics, including Local Limits and/or Categorical Standards, as applicable;
2. List of Prohibited Discharges, as presented in Section 9.20 of this Article;
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 sampling locations, frequency of sampling, number, types and standards for tests, chain of custody logs submitted with monitoring data, and reporting schedule;

5. Requirements for maintaining and retaining records relating to Industrial Waste, and Wastewater Discharges, wastewater characteristics and Best Management Practices 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 Spills or Slug Loads and any changes affecting the potential for Spills or Slug Loads as per Section 9.20.I.;
8. Statement of duration of the Wastewater Discharge Permit;
9. Notification of the rules regarding transferability, as stated in Section 9.30.G. of this Article;
10. Notification of penalties provided for Noncompliance as contained in Section 9.50 of this Article; and
11. Notification of right of appeal.

Permits may also contain other information, including, but not limited to:

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, best management or housekeeping practices, or other such procedures;
16. Compliance schedules;
17. The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the Sewer System; and
18. Applicable slug control requirements.
19. Other conditions as deemed appropriate by the Authority to ensure compliance with this or any other applicable resolution.

#### G. 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 the approval of the Authority. 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 Article.

#### H. Duration of Wastewater Discharge Permits

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. The Industrial User shall apply for reissuance of the Wastewater Discharge Permit a minimum of 180 days prior to the expiration of the Industrial User's existing Wastewater Discharge Permit. 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 9.20 are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in its Wastewater Discharge Permit at least 30 days prior to the effective date of change. Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

#### I. Delayed Permit Renewal

1. 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 Section 9.30.H. of this Article, 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.
2. If the Wastewater Discharge Permit is not renewed because of a failure of the Industrial User to apply for renewal in a timely fashion 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 and is subject to the enforcement provisions of this Article.

#### J. Appeal of Wastewater Discharge Permits

1. Any Industrial User that is issued a Wastewater Discharge Permit may appeal the Permit conditions, in whole or in part. Appeal procedures shall be as set forth in Section 9.40.G. of this Article.
2. During the process of appeal, the Wastewater Discharge Permit shall remain in effect and shall be enforced with the exception of those conditions specified in writing in the appeal. Conditions imposed by Federal or State Regulations (e.g. - Categorical Standards) shall not be waived. Conditions which, in the opinion of the Authority, would constitute a hazard or pose a potential threat of Pollution if waived, shall not be waived during an appeal.

#### K. Baseline Monitoring Reports

1. As soon as possible following the promulgation of a Categorical Standard, the Wastewater Discharge Permit of Industrial Users subject to such standards shall be revised, if necessary, to require compliance with such Categorical Standard within the time frame prescribed by the Categorical

Standard.

2. 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 9.30.D., the Industrial User shall, within 180 days after the promulgation of the applicable Categorical Standard:
  - (a) Apply for a Wastewater Discharge Permit; and
  - (b) 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.
3. 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).
4. 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.

#### L. 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 normal workcycles. The report shall state whether the facility is in compliance with applicable best management practices, and if not, include a schedule for implementation of applicable best management practices. The report shall also 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, and including a schedule for completion of the required actions in the form described in Section 9.30.D.12., of this Article. This statement shall be signed by an Authorized Representative of the Industrial User, and certified to by a Certified Professional.

#### M. Periodic Compliance Reports

1. 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. Reports may be required more frequently, if deemed necessary by the Authority.

2. The Authority may decrease the frequency of periodic compliance reports to no less than once per year for a Significant Industrial User that is designated a Middle Tier Categorical Industrial User (Middle Tier CIU).
3. The reports required under this Section shall contain, at a minimum, the measured concentrations of all Pollutants regulated by the Wastewater Discharge Permit, information necessary to demonstrate compliance with required Best Management Practices, a record of all measured daily flows which exceeded the average daily flow value reported in compliance with Section 9.30.D.8 of this Article and the following statement of accuracy and completeness signed and certified by the Authorized Representative of the Significant Industrial User:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage this system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. All wastewater discharge data are representative of normal daily facility operations. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for willful or knowing violations."

4. 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.
5. For Significant Industrial Users subject to Categorical Standards, the certification of Compliance with those Standards, signed by a Certified Professional.
6. Users designated by the Authority as Non-Significant Categorical Industrial Users (NSCIUs) must submit the following certification statement to the Authority once each year along with documentation supporting their classification as a NSCIU:

“Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR \_\_\_\_, I certify, that to

the best of my knowledge and belief that during the period from \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, \_\_\_\_\_ [months, days, year]: (a) The facility described as \_\_\_\_\_ [facility name] met the definition of a non-significant categorical Industrial User as described in §403.3(v)(2); (b) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: \_\_\_\_\_”

N. Reporting and Resampling of Discharge Limit Violations

1. If, upon receipt of valid sampling and testing results, a Significant Industrial User becomes aware that a violation of 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 violation, the Significant Industrial User shall also sample and analyze its discharge(s) for each parameter found to be in violation and report the results of the re-sampling and analysis to the Authority.
2. 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.

O. Sampling and Analysis

1. All sampling and analysis performed in compliance with Wastewater Discharge Permit conditions or to prepare the reports required in Sections 9.30.K., L., M. and N. of this Article shall be accomplished using techniques specified in 40 CFR Part 136, or alternative procedures approved by the Administrator, or using procedures described in Standard Methods if no EPA-approved procedure exists.
2. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities.
3. All samples taken for purposes of demonstrating compliance must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of

normal conditions occurring during the reporting period.

4. If an Industrial User subject to the reporting requirements of this Article monitors any pollutant more frequently than required by the Authority using procedures as specified in Paragraph A., above, the results of this monitoring shall be provided to the Authority with the periodic compliance report required by Section 5.13. If the additional monitoring indicates that a violation of Pretreatment Requirements has occurred, then the provisions of Section 9.30.N. shall apply. It shall be a violation of the provisions of the Pretreatment Program to obtain several sample analyses for the purpose of selecting and submitting only those analyses that show Compliance with Pretreatment Requirements.

P. Monitoring Facilities

1. The Authority may require an Industrial User to provide and operate at the 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.
2. 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.
3. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Authority.

Q. Inspections

The Authority may inspect the facilities of any User to ascertain whether the purpose of this Article is being met and all requirements are being complied with. Persons or occupants of premises connected to the sewage collection system and/or where Wastewater is created or discharged shall allow the Authority or its representative 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. The Authority, its agents (including the Authority Industrial Pretreatment Program Coordinator, the Authority Superintendent and the Authority Certified Professional), and EPA 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, the Authority, any state environmental agency, and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

#### R. Pretreatment Facilities

Industrial Users shall provide necessary Wastewater Pretreatment as required to comply with this Article and shall achieve Compliance with all applicable Categorical Standards within the time limitations as specified by the applicable Categorical Standards. 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 Article. 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.

#### S. Confidentiality

1. 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.
2. 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 written 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 constituents and characteristics will not be recognized as confidential information.
3. The Authority shall maintain a secure place to store records containing confidential information and shall insure that all records marked as confidential are kept secure from casual or public scrutiny.
4. When information accepted by the Authority as confidential is transmitted to any government agency, a notification to the Industrial User shall be provided listing the confidential information transmitted, and the

governmental entity requesting it.

T. Change in Operations

1. Any Significant 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 unplanned, immediately upon making the change. The report shall include all information necessary to determine the effect on the Wastewater of the change.
2. The Authority may, on receipt of such a report:
  - a. Continue an existing Wastewater Discharge Permit in effect;
  - b. Require application for a new Wastewater Discharge Permit;
  - c. Modify an existing Wastewater Discharge Permit to reflect the changed nature of the waste;
  - d. Rescind and re-issue an existing Wastewater Discharge Permit in order to make substantial changes in Wastewater Discharge Permit conditions;
  - e. Revoke an existing Wastewater Discharge Permit or require the Industrial User to cease or prevent the Discharge; or
  - f. Take such other action as it deems appropriate.
3. Facilities permitted as Middle Tier Categorical Industrial Users (Middle Tier CIUs) must notify the Authority immediately of any changes at its facility causing it to no longer meet Middle Tier eligibility criteria. Upon notification, the Industrial User must immediately begin complying with the minimum reporting as described in Section 9.30.M.1.

U. Records

1. The Authority shall keep and maintain all records relating to the administration and enforcement of the Industrial Pretreatment Program, including but not limited to Wastewater Discharge Permit applications, investigations and calculations, Wastewater Discharge Permits, inspection reports, Industrial User reports, reports of compliance with Best Management Practices, sampling results and enforcement activities, for a minimum of three years. In cases of on-going litigation, records shall be maintained as long as they may be required.
2. The Authority shall keep and maintain documentation to support a

determination that a significant industrial user meets the criteria to be permitted under a general permit, a copy of the user's general permit, and a copy of the user's request for coverage under a general permit, for a minimum of three years after expiration of a general permit.

3. The Authority shall keep and maintain documentation to support a determination that a facility qualifies as a Middle Tier CIU, for a minimum of three years after expiration of the permit establishing requirements based on the middle tier determination.
4. All Industrial Users shall keep and maintain records of monitoring activities and results, records of compliance with Best Management Practices, Wastewater Discharge Permits, and reports to the Authority for a minimum of 3 years. In cases of on-going litigation such records shall be maintained as long as they may be required.

#### **SECTION 9.40: Enforcement**

##### **A. 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 Article, or the written directions of the Authority issued pursuant to the conditions of this Article. The Authority may take such steps as it deems necessary, as outlined in this Article, to compel discontinuance of use of the Sewer System or Pretreatment of Industrial Wastes in order to comply with the provisions of this Article. In such cases, the Industrial User shall, to the extent necessary to maintain compliance with this Article, reduce, suspend, or discontinue the Discharge, control production of the Discharge, or both, until the use of the Sewer System or Pretreatment of Industrial Wastes complies with the provisions of this Article.

##### **B. Suspension of Permit**

1. The Authority may suspend the Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened Discharge which presents or may present an imminent or substantial endangerment to the health or welfare of Persons, to the environment, causes Interference or Pass Through, or causes the Authority to violate any condition of its NPDES Permit or any other Federal or State law, rule, regulation or permit condition.
2. 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 notice of suspension, the Discharge shall be considered an Unauthorized Discharge and the Authority shall take such steps as deemed necessary, including immediate severance or plugging 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.

3. The Authority may reinstate the Wastewater Discharge Permit upon submission of proof by the Industrial User of the elimination of the Unauthorized Discharge. A detailed written statement submitted by the Industrial User describing the causes of the Unauthorized Discharge and the measures taken to prevent any future occurrence shall be submitted to the Authority within 15 days of the date of occurrence.

C. Revocation of Permit

1. Any Industrial User who violates the following conditions of this Article, or applicable State and Federal regulations, is subject to having its Wastewater Discharge Permit revoked.
  - a. 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 Sections 9.30.K., L., M. or N. of this Article;
  - b. Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics as required in Section 9.30.T. of this Article;
  - c. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or
  - d. Significant Noncompliance with conditions of the Wastewater Discharge Permit.
2. Discharge of any Industrial Waste to the Sewer System by a Significant Industrial User without a Wastewater Discharge Permit is an Unauthorized Discharge, as provided in Section 9.30.A., and is subject to the penalties provided herein.

D. Notice of Violation

Whenever the Authority finds that any Industrial User has violated or is violating the provisions of the Industrial Pretreatment Program, 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.

E. Show Cause Hearing

1. The Authority may require 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 reasons why the action is to be taken, the proposed enforcement action, 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.

2. The Authority may itself conduct the hearing and take the evidence, or may designate any of its members or any representative of the Authority to:
  - a. 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;
  - b. Take the evidence;
  - c. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.
3. At any hearing held pursuant to this Section, testimony taken must be under oath and recorded 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.
4. 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 actions which may be directed include, but are not limited to:
  - a. Installation of Pretreatment facilities or equipment;
  - b. Modification or additions to existing Pretreatment facilities or equipment;
  - c. Initiation of management practices which are required to alter the nature of the Industrial Waste being discharged;
  - d. Development or implementation of SPCC plans or other measures;
  - e. Other measures found to be necessary to correct the Unauthorized Discharge or other Non Compliance.

- f. The direction may be in the form of a schedule for compliance, setting dates by which certain actions shall be taken.
5. Failure of an Industrial User to comply with directions issued pursuant to a hearing constitutes a violation of this Article and may be subject to additional actions or penalties as outlined in this Article.

F. Administrative Orders

The Authority may issue written directions as described in Section 9.40.E., of this Article without a Show Cause Hearing if the Authority determines that such directions are necessary to correct conditions or remedy continuing violations of this Article or any Wastewater Discharge Permit or other requirements of the Industrial Pretreatment Program, the Authority or Federal or State regulations.

G. Right of Appeal

1. An Industrial User may appeal the enforcement actions enumerated above in Sections 9.40.B., C., E., and F. of this Article, or Wastewater Discharge Permit conditions, in whole or in part. An appeal is subject to the following requirements.
  - a. The appeal must be made in writing to the Authority.
  - b. The appeal must be made within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit, written directions, or notice of suspension or revocation of a Wastewater Discharge Permit being appealed by the Industrial User.
  - c. The appeal must state the specific provision(s) of a Wastewater Discharge Permit or the specific directions of the Authority which are being contested.
  - d. The appeal must state the reasons for the appeal of each provision.
  - e. The appeal may suggest alternate or revised provisions to replace those appealed.
2. Provisions mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed.
3. An appeal shall be made to the Authority, and shall be reviewed by any designated representative(s) of the Authority, provided:
  - a. The representative shall not be the Pretreatment Coordinator; and
  - b. The representative is not the Superintendent.
4. 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:

- a. A summary of each item appealed the appellant's reasons for appeal, and the appellant's proposed remedies, if any.
  - b. The finding of merit for each point, and the reason(s) for finding.
  - c. For each point found to be with merit, a proposed remedy, and a finding that the remedy is allowable under the provisions of the Industrial Pretreatment Program, and all applicable Federal, State and local rules, regulations and laws.
5. The Authority shall review 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 shall, within 45 days of the conclusion of testimony, decide to:
- a. Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
  - b. Deny the appeal.

This decision constitutes final administrative action.

#### H. Civil Actions

If any Person violates the provisions of the Industrial Pretreatment Program, including local Federal or State Pretreatment Requirements, 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 Luzerne County.

#### I. Injunctive Relief

If any Person causes or permits an Unauthorized Discharge to occur, or otherwise violates the conditions imposed by the Industrial Pretreatment Program or any Wastewater Discharge Permit or written directions issued by the Authority, or any Federal or State Pretreatment Requirement or Categorical Standard, the Authority may commence an action in the Court of Common Pleas of Luzerne County for injunctive relief to stop the Unauthorized Discharge, or to require Compliance with the applicable condition.

#### J. Enforcement Response Plan

The Authority may develop an Enforcement Response Plan to guide the Pretreatment Coordinator in the administration of the Industrial Pretreatment Program. The Enforcement Response Plan shall meet the requirements of 40 CFR § 403.8(f)(5) regarding the contents of Enforcement Response Plans. The Pretreatment Coordinator shall be guided by the Enforcement Response Plan when reviewing Industrial User reports, inspection results and other compliance information, and when recommending to the Authority enforcement action in response to Noncompliance.

#### K. Significant Violators

The Authority shall publish annually, a list of Industrial Users that were found to be in Significant Noncompliance during the previous calendar year. The list shall be published in a newspaper of general circulation within the municipalities served by the Sewage Collection System. Significant Noncompliance shall be determined using measures of rate, magnitude, and type of Noncompliance, as delineated below:

1. Chronic violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other numerical limitations on Discharges of Industrial Waste. A Chronic violation occurs if sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.
2. Technical Review Criteria (TRC) violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other numerical limitations on Discharges of Industrial Waste. A TRC violation occurs if thirty-three percent (33%) or more of all of the measurements taken for the same pollutant parameter during a six (6) month period equal or exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits, multiplied by the applicable TRC. For conventional Pollutants (BOD, Total Suspended Solids and fats, oil and grease), the TRC equals one and four-tenths (1.4); for all other Pollutants except pH, the TRC equals one and two-tenths (1.2).
3. Any violation of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other Standard or Requirement for Discharges of Industrial Waste which the Authority determines has caused, alone or in combination with other discharges, Pass Through or Interference, or has endangered the health or safety of Sewer System maintenance or operating personnel or the public.
4. 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 Section 9.40.B. of this Article.
5. 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.
6. 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.
7. Failure to accurately report any Noncompliance.
8. Any other violation, or group of violations, Noncompliance or Noncompliances, which may include a violation of Best Management

Practices, which the Authority determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

L. Records

The Authority shall maintain records of all enforcement actions taken, the reasons for those actions, and the results of those actions. These records shall be made available to the Approval Authority and the public during normal Authority business hours.

**SECTION 9.50: Penalties**

A. Civil Penalties

Any Person who violates any provisions of this Article, or the rules, regulations and permits issued hereunder, shall pay a civil penalty of not more than Twenty-five Thousand Dollars per day for each violation. Each violation for each separate day shall constitute a separate and distinct offense. In addition to the penalties provided herein, the Authority may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the Person found to have violated this Article or the rules, regulations and permits issued hereunder.

**SECTION 9.60: Remedies Not Exclusive**

The enumeration of remedies in Sections 9.40 and 9.50 of this Article does not restrict their application. Although the Enforcement Response Plan shall serve as a guide in applying remedies and penalties, the Authority reserves the right to take any action or combination of actions allowed by this Article or other applicable law, including concurrent actions, if it determines that those actions are necessary for the proper and prudent administration or enforcement of the Industrial Pretreatment Program.

**SECTION 9.70: Adoption of Additional Rules and Regulations**

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

**ARTICLE X  
INSPECTION AND ENFORCEMENT**

**SECTION 10.10: Inspection Rights**

For the purpose of enforcing the provisions of these Rules and Regulations of the Authority with respect to the operation of the Sewer System and for the purpose of advancing and protecting the public health, the Authority reserves the right to come upon or enter the premises of any person, firm, or corporation connected to the system for the purpose of inspecting the sewer facilities located thereon and for the purpose of determining compliance with the requirements of the Authority. In the event that the Authority's duly authorized representatives are denied access to any customer's premises for these purposes, the Authority reserves the right to discontinue sewer service to such premises until inspection is permitted and compliance with the requirements of the Authority has been determined.

**SECTION 10.20: Discontinuance of Service**

Notwithstanding any other provisions or implications of these Rules and Regulations to the contrary, the Authority reserves the right at all times to refuse to render or to continue to render sewer service to any property or through any lines whenever it appears that the connection of the property to the Sewer System has been improperly made or whenever it appears there has been a violation of the Rules and Regulations of the Authority with respect to the installation or use of the sewage disposal facilities. In the event that the Authority shall elect to discontinue service to any user connected to its lines, except as provided in the "Rules and Regulations Establishing an Industrial Pretreatment Program and Other Rules Controlling Discharges to the Sewer System" document, the Authority shall give ten (10) days written notice by Certified Mail to the Owner prior to disconnecting the property from the Sewer System.

**SECTION 10.30: Legal Remedies**

Notwithstanding any other provisions or implications of these Rules and Regulations to the contrary, the Authority reserves the right at all times to take appropriate action, up to and including formal legal action, to address or correct any violation of the Rules and Regulations of the Authority. In the event that the Authority successfully pursues formal legal action, the Property Owner shall reimburse the Authority for all costs and expenses, including legal fees, incurred as a result of the action or proceeding.

**ARTICLE XI  
RATE RESOLUTION**

The Authority's Rate Resolution is incorporated into these Rules and Regulations by reference. The effective date of the Rate Resolution is set on the Rate Resolution itself and may differ from the effective date of these Rules and Regulations.

**ARTICLE XII  
SEVERABILITY**

If any Article or provision of these Rules and Regulations are found invalid by any court or other jurisdiction, the remaining Articles or provisions shall not be affected and shall continue in full force and effect.

**ARTICLE XIII  
REPEAL PROVISIONS**

All Resolutions of the Authority which are inconsistent with these Rules and Regulations are hereby repealed.