

**BOROUGH OF FREELAND MUNICIPAL AUTHORITY
LUZERNE COUNTY, PENNSYLVANIA**

RESOLUTION NO: 1 of 2024

Adopted: July 17, 2024

A RESOLUTION ADOPTING A) THE RESTATED AND AMENDED, EPA-APPROVED RULES AND REGULATIONS ESTABLISHING AN INDUSTRIAL PRETREATMENT PROGRAM AND OTHER RULES CONTROLLING DISCHARGES TO THE SEWER SYSTEM, B) THE EPA-APPROVED ENFORCEMENT RESPONSE PLAN, AND C) THE EPA-APPROVED CIVIL PENALTY ASSESSMENT AND INJUNCTIVE RELIEF POLICY; EFFECTIVE IMMEDIATELY UPON ADOPTION.

BACKGROUND

1. On December 20, 2022, the Borough of Freeland Municipal Authority adopted Resolution No. 5 of 2022 adopting Rules and Regulations, an Enforcement Response Plan, and a Civil Penalty and Injunctive Relief Policy, all related to its Industrial Pretreatment Program ("IPP").
2. Resolution No. 5 of 2022 led to intergovernmental cooperation agreements with both Foster Township and Freeland Borough whereby the two municipalities committed to compliance and cooperation with the IPP.
3. The three component documents approved by Resolution No. 5 of 2022 were subject to approval by the United States Environmental Protection Agency ("EPA") prior to becoming effective.
4. After review by EPA, certain modifications were made solely to the first of the three component documents adopted under Resolution No. 5 of 2022 (i.e., the IPP Rules and Regulations). EPA approved the second and third of the three component documents, respectively (i.e., IPP Enforcement Response Plan, and IPP Civil Penalty and Injunctive Relief Policy) without further revisions required prior to approval.
5. EPA approved the aforementioned versions of the three component documents, which were properly advertised in the Hazleton Standard Speaker with no comments submitted.
6. Per this Resolution, BFMA now seeks to formally adopt/readopt final versions of the: a) IPP Rules and Regulations; b) IPP Enforcement Response Plan; and C) IPP Civil Penalty and Injunctive Relief Policy, as reviewed and approved by EPA.

NOW THEREFORE, be it resolved by the Board of Directors of the Borough of Freeland Municipal Authority as follows:

Section 1. The Borough of Freeland Municipal Authority hereby adopts the document entitled "Borough of Freeland Municipal Authority Rules and Regulations Establishing an Industrial Pretreatment Program and Other Rules Controlling Discharges to the Sewer System" dated July 17, 2024 (revisions required subsequent to Resolution No. 5 of 2022 and prior to EPA approval), which document is attached hereto and incorporated into this Resolution as Appendix A.

Section 2. The Borough of Freeland Municipal Authority hereby readopts the document entitled "Borough of Freeland Municipal Authority Pretreatment Rules and Regulations Enforcement Response Plan" dated November 28, 2022 (no revisions required subsequent to Resolution No. 5 of 2022 and prior to EPA approval) which document is attached hereto and incorporated into this Resolution as Appendix B.

Section 3. The Borough of Freeland Municipal Authority hereby readopts the document entitled "Borough of Freeland Municipal Authority Pretreatment Rules and Regulations Civil Penalty Assessment Injunctive Relief Policy", including Table 1, dated November 30, 2022 (no revisions required subsequent to Resolution No. 5 of 2022 and prior to EPA approval) which document is attached hereto and incorporated into this Resolution as Appendix C.

Section 4. By adoption of this Resolution, the prior version of the first component document (attached as Appendix "A") is hereby superseded; and the prior versions of both the second and third component documents (attached as Appendices "B" and "C", respectively) are hereby readopted for the purpose of comprehensive consistency.

Section 5. This Resolution shall be effective upon adoption.

[Signatures appear on next page.]

DULY ADOPTED, at a duly advertised public meeting of the Board of Directors of the Borough of Freeland Municipal Authority this 17 day of July, 2024.

(SEAL)

BOROUGH OF FREELAND MUNICIPAL AUTHORITY

ATTEST:

Paul Thomas
Secretary

By: David Kuntz
Chairman

CERTIFICATE

I, the undersigned officer of the Borough of Freeland Municipal Authority, do hereby certify that the foregoing is a true and correct copy of a Resolution duly adopted by the Board of Directors of the Authority at a public meeting of the Authority held on the 17 day of July, 2024, after notice thereof duly given as required by law, at which meeting a quorum was present and voting and said Resolution is now in full force and effect on the date hereof.

IN WITNESS WHEREOF, I hereinto set my hand and affix the seal of said Authority, this 17 day of July, 2024.

Paul Thomas
Secretary

APPENDIX A

[Being the Borough of Freeland Municipal Authority Rules and Regulations Establishing
an Industrial Pretreatment Program and Other Rules Controlling Discharges to the
Sewer System, Dated July 17, 2024]

BOROUGH OF FREELAND MUNICIPAL AUTHORITY

LUZERNE COUNTY, PENNSYLVANIA

***RULES AND REGULATIONS ESTABLISHING AN
INDUSTRIAL PRETREATMENT PROGRAM AND
OTHER RULES CONTROLLING DISCHARGES
TO THE SEWER SYSTEM***

Adopted: July 17, 2024

Effective: July 17, 2024

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ARTICLE I - PURPOSE AND POLICY

Section 1.01 Purpose:

This Resolution 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:

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

Section 1.02 Objectives

The objectives of this Resolution are:

- A. To prevent the introduction of Pollutants into the POTW from any nondomestic source 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;
- B. To prevent Pass Through of Pollutants, inadequately treated, to the environment;
- C. To protect workers and the general public from exposure to toxic or other dangerous substances;
- D. To protect the Sewer System from damage;
- E. To improve the opportunity to recycle or reclaim wastewater or sludge;
- F. To provide for the equitable distribution of the cost of the operation, administration and enforcement of the Industrial Pretreatment Program; and
- G. 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.

ARTICLE II - DEFINITIONS

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

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

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

Authority. Control Authority.

Authorized Representative of Industrial User. An Authorized Representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) A principal executive officer or director having responsibility for the overall operation of the discharging facility if the Industrial User is a governmental entity, charitable organization or other such unincorporated entity; (4) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Discharge originates.

Best Management Practices (BMPs). Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3.02 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.

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

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

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

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

Categorical Standards. National Categorical Pretreatment Standards.

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

Chain of Custody. 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. 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.

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

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

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

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

Contributing Municipality. 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.

Control Authority. The Borough of Freeland Municipal Authority, a Pennsylvania municipal authority incorporated, organized and existing under provisions of the Pennsylvania Municipal Authorities Act, 53 Pa. C.S. §5601 et seq., as amended and supplemented.

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

Discharge. The conveyance of any water or Wastewater into the Sewer System.

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

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

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

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

Grab Sample. A sample 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.

General Permit. 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 5.02(B).

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

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

Industrial Pretreatment Program. The sum of the provisions of this Resolution, amendments thereto, and any activities authorized by this Resolution as regards the regulation and control of Industrial Users.

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

1. Inhibits or disrupts the treatment processes or operations of the Sewage Treatment Plant or the Sewage Collection System, or sludge processes, use or disposal; or

2. Is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxics Substances Control Act, and the Marine Protection, Research and Sanctuaries Act; or which results in or increases the severity of a violation of other State or National environmental statutes, rules or regulations.

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

Industrial Waste. Any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources; but not Sanitary Sewage.

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

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

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

Middle Tier Categorical Industrial User. 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. The arithmetic mean of all daily determinations of concentration made during a calendar month.

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

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

Net/Gross calculation. A procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.15.

New Source. (1) Any building, structure, facility or installation from which there is or may be a Discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307(c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:

- i. The building, structure, facility or installation is constructed at a site at which no other source is located; or
- ii. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
- iii. The production or wastewater generating processes of the building, structure, facility or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source should be considered.

(2) Construction on a site at which an existing source is located results in a modification rather than a New Source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (1)(ii) or (1)(iii) above, but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

- i. Begun, or caused to begin as part of a continuous onsite construction program:
 - a. Any placement, assembly, or installation of facilities or equipment; or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
- ii. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Noncompliance. Not in Compliance.

Non-Significant Categorical Industrial User (NSCIU). 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.

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

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

Pass Through. Discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

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

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

Pollutant. Any substance including but not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste which, when discharged into water, results in Pollution or increases Pollution.

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

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

Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of Discharging or otherwise introducing such Pollutants into 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. 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. 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. 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. Any Discharge which is prohibited under Section 3.02 of this Resolution.

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

Qualified Analyst. Any Person who has demonstrated competency in the analysis of Wastewater by submission of their generally recognized documentation of competency to the Authority.

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

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

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

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

Sewer. A pipe or conduit for conveying Wastewater.

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

Shall is mandatory: **May** is permissive.

Significant Industrial User (SIU). An Industrial User who (1) has a discharge flow of 25,000 gallons or more of Process Wastewater per average work day; (2) discharges an organic load, in pounds of BOD per average work day, of 5% or more of the average daily organic loading of the Sewage Treatment Plant; (3) is regulated by Categorical Standards, except in cases where the

Authority determines that an Industrial User is a Non-Significant Categorical Industrial User (NSCIU); or (4) is determined by the Authority to have the reasonable potential of adversely affecting operation of the POTW, causing Interference or Pass Through, or of violating any Pretreatment Requirement.

Significant Noncompliance (SNC). A Noncompliance which meets or exceeds standards of Significant Noncompliance determined by the Authority and contained in Section 6.11 of this Resolution.

Significant Violator. Any Industrial User in Significant Noncompliance.

Slug Load or Slug Discharge. Any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through.

Spill. 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. 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). 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. The latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the Water Pollution Control Federation, the American Public Health Association and the American Waterworks Association.

State. Commonwealth of Pennsylvania.

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

Superintendent. 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.

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

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

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

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

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

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

Wastewater. Industrial Wastes or Domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which enters the Sewer System.

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

Wastewater Discharge Permit. As set forth in Article V of this Resolution.

ARTICLE III - PROHIBITED WASTES AND POLLUTANT LIMITATIONS

Section 3.01 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.

Section 3.02 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:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Sewer System or to the operation of the Sewer System. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. At no time shall the closed cup flashpoint of the Wastewater be less than 140 degrees Fahrenheit. 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.

B. Solid or viscous substances which may cause obstruction to the flow in a Sewer or other Interference with the operation of the Sewer System, such as, but not limited to: grease, Garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

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

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

E. 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.

F. 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.

G. 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.

H. 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.

I. Any substance which may cause the Sewage Treatment Plant's effluent or any other product of the Sewage Treatment Plant such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharged to the Sewer System cause the Sewage Treatment Plant to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.

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

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

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

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

N. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority or applicable State or Federal regulations.

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

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

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

Section 3.03 Unauthorized Discharges

Discharge of any prohibited substance listed under Section 3.02 shall be considered an Unauthorized Discharge and the Authority may take whatever steps are necessary to halt such a discharge, as set forth in Articles VI and VII of this Resolution.

Section 3.04 Categorical Standards

A. Limits in Categorical Pretreatment Standards shall apply to the effluent of the process regulated by the Standard, or as otherwise specified by the Standard. 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 (reference 40 CFR Chapter I, Subchapter N, Parts 405–471).

B. 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 3.04(B)(1)(a) through 3.04(B)(1)(e) 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.

1. To be eligible for equivalent mass limits, the Industrial User must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(b) 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;

(c) 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;

(d) 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

(e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

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

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) 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 (1)(c) 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

(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (1)(a) of this section so long as it discharges under an equivalent mass limit.

3. When establishing equivalent mass limits, the Authority:

(a) 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;

(b) 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

(c) 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 3.08. The Industrial User must also be in compliance with Section 3.15 (regarding the prohibition of bypass).

Section 3.05 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.

Section 3.06 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those established under this Resolution.

Section 3.07 Local Limits

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

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

- B. Local Limits may limit concentration, mass, or a combination of the two.
- C. The procedure for the calculation of Local Limits should be as recommended by the Approval Authority. Whenever possible, the calculation of Local Limits shall be technically based, using all available information.
- D. 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.
- E. 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.
- F. 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.
- G. The Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).
- H. The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following:

<u>PARAMETER</u>	<u>CONCENTRATION (mg/L)</u>	<u>DURATION</u>
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

<u>PARAMETER</u>	<u>CONCENTRATION (mg/L)</u>	<u>DURATION</u>
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.

I. 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 3.02 "Prohibited Discharges."

Section 3.08 Prohibition on Dilution

No Industrial User shall, in any way except where expressly authorized to do so by an applicable Pretreatment Standard or Requirement, 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.

Section 3.09 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.

A. Notification

1. 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 Superintendant 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.
2. 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.

B. Notice to Employees

A notice shall be permanently posted on the Industrial User's bulletin board or other prominent place advising employees whom to call 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.

C. 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 Resolution or applicable law.

D. 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.

Section 3.10 Drainage of Water Filtration Systems

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

- A. Granular media filter backwash water may be Discharged to the Sewer System, subject to all of the applicable provisions of this Resolution.
- B. Diatomaceous earth filter backwash, if Discharged to the Sewer System, shall be connected to the Sewer System through settling tanks with no less than three (3) months storage capacity of spent diatomaceous earth, which tanks shall be accessible for removing solid waste for disposal.

Section 3.11 Trucked and Hauled Wastes

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

C. 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.

D. In order to implement the provisions of paragraph C 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.

Section 3.12 Grease and Sand Traps

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

Section 3.13 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.

Section 3.14 Notification Requirements - Hazardous Wastes and Hazardous Substances

A. All Industrial Users shall notify the Authority, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental 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:

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

B. Industrial Users that commence discharge 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 D of this Section.

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

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

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

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

Section 3.15 Bypass

A. Bypass is prohibited, and the Authority may take enforcement action against an Industrial User for a bypass, unless;

1. 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.

2. 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

3. The Industrial User submitted notices as required under paragraph (C) of this section.

B. 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 (A), (C) and (D) of this section.

C. 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 (A)(1) through (A)(3) of this section.

D. 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 3.16 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical Pretreatment Standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical Pretreatment Standards if the requirements of paragraph (C), below, are met.

C. A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (1) An upset occurred and the User can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (3) The User has submitted the following information to the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the upset [if this information is provided orally, a written submission must be provided within five (5) days]:
 - i. A description of the indirect discharge and cause of noncompliance;
 - ii. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

iii. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

D. In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.

E. Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical Pretreatment Standards.

F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical Pretreatment Standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

ARTICLE IV - FEES

Section 4.01 Purpose

It is the purpose of this section to provide for the recovery of costs from Industrial Users of the Sewer System for the implementation of the Industrial Pretreatment Program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees, attached as Exhibit 1 to this Resolution. Such charges or fees are subject to further revision and/or change upon future action of the Authority. The Authority is also authorized to modify the amount of said fees in its discretion and after notice.

Section 4.02 Fees That May Be Charged

The Authority is authorized to adopt charges and fees, which may include:

- A. Fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;
- D. Fees for Wastewater Discharge Permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the Sewage Treatment Plant) of Pollutants otherwise subject to Categorical Standards;
- G. Recovery of costs for reestablishing operation of the POTW; and
- H. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

The fees referenced in this section relate solely to the matters covered by this Resolution and are separate from all other fees chargeable by the Authority. The Authority is also authorized to modify the amount of said fees in its discretion and after notice.

ARTICLE V - PERMITS AND REPORTS FOR INDUSTRIAL WASTE DISCHARGED INTO THE SEWER SYSTEM

Section 5.01 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 Resolution, is an Unauthorized Discharge and subject to the penalties provided herein.

Section 5.02 Significant Industrial Users

A. 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.

B. 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:

1. Involve the same or substantially similar types of operations;
2. Discharge the same types of wastes;
3. Require the same effluent limitations;
4. Require the same or similar monitoring; and
5. In the opinion of the Authority, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

C. 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.

D. To be covered by the general permit, the Significant Industrial User must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests in accordance with the General Pretreatment Regulations for a monitoring waiver for a pollutant neither present nor expected to be present in the Discharge, and any other information the POTW deems appropriate. A monitoring waiver for a pollutant

neither present nor expected to be present in the discharge is not effective in the general permit until after the Pretreatment Coordinator has provided written notice to the Significant Industrial User that such a waiver request has been granted in accordance with the General Pretreatment Regulations.

E. The Pretreatment Coordinator will retain a copy of the general permit, documentation to support the POTW's determination that a specific Significant Industrial User meets the criteria in Section 5.02.B(1)-(5) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit [see 40 CFR 403.8(f)(1)(iii)(A)(1) through (5)].

Section 5.03 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 Resolution. 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.

Section 5.04 Permit Applications

Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Authority, an application in the form prescribed by the Authority, and accompanied by the fee prescribed in the 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:

- A. Facility name, address, location, (if different from the address), and the name and phone number of a facility contact.
- B. SIC number or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics as required by the Authority, as determined by a Qualified Analyst; 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;
- D. Each product by type, amount, process or processes and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- G. Time and duration of Wastewater or Industrial Waste contribution;
- H. Average daily and 30 minute peak Wastewater flow rates, including daily, monthly and seasonal variation if any;

I. Site plans, floor plans, mechanical and plumbing plans and details to show all Building Sewers, Sewer connections, and appurtenances by the size, location and elevation;

J. Description of activities, facilities and plant processes on the premises including all materials which are or could be Discharged, and a proposed discharge sampling location;

K. 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;

L. 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:

(1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the applicable Categorical Standards or other Pretreatment Requirements (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).

(2) No increment referred to in subparagraph (1) shall exceed 9 months.

(3) 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.

M. Compliance information for any applicable best management practices.

N. Any other information as may be deemed by the Authority to be necessary to evaluate the application.

- O. 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.

Section 5.05 Confidentiality of Applications

- A. All information required by the Authority in the Permit application shall be provided by the Industrial User to the best of its ability.
- B. If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the Industrial User, such information shall be marked "confidential" on the application form.
- C. Confidentiality shall not apply to information regarding the flow of or the constituents in the Industrial Wastewater Discharge.
- D. Information accepted by the Authority as confidential shall be handled as detailed in Section 5.19 of this Article.

Section 5.06 Wastewater Discharge Permit Conditions

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

- A. Best Management Practices, as well as Limits on Wastewater constituents and characteristics, including Local Limits and/or Categorical Standards, as applicable;
- B. List of Prohibited Discharges, as presented in Article III of this Resolution;
- C. Requirements for submission of technical reports or discharge reports, including the information to be contained and the signatory requirements of these reports;
- D. 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;
- E. 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;
- F. 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;
- G. Requirements for notification of Spills or Slug Loads and any changes affecting the potential for Spills or Slug Loads as per Article III, Section 3.09;
- H. Statement of duration of the Wastewater Discharge Permit;

- I. Notification of the rules regarding transferability, as stated in Section 5.07 of this Article;
- J. Notification of penalties provided for Noncompliance as contained in Article VII of this Resolution;
- K. Notification of right of appeal; and
- L. Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works.

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

- M. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- N. Requirements for installation and maintenance of inspection and sampling facilities;
- O. Requirements for installation and maintenance of Pretreatment facilities;
- P. Requirements for developing and implementing special plans or practices such as Toxic Organic Management plans, best management or housekeeping practices, or other such procedures;
- Q. Compliance schedules;
- R. The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the Sewer System;
- S. Applicable slug control requirements; and
- T. Other conditions as deemed appropriate by the Authority to ensure compliance with this or any other applicable resolution.

Section 5.07 Transferability of Permits

Wastewater Discharge Permits are issued to a specific Industrial User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new Person, new Industrial User, different premises, or a new or changed operation without 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. If and when a Wastewater Discharge Permit is transferred, the existing Permittee shall provide a copy of the existing control mechanism (permit) to the new owner or operator.

Section 5.08 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 Article III 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.

Section 5.09 Delayed Permit Renewal

A. If the Industrial User has complied with the terms of the Wastewater Discharge Permit and this Resolution, and has applied for renewal as provided for in Section 5.08 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.

B. If the Wastewater Discharge Permit is not renewed because of a failure of the Industrial User to apply for renewal in a timely fashion 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 Resolution.

Section 5.10 Appeal of Wastewater Discharge Permits

A. 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 Article VI, Section 6.07 of this Resolution.

B. 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.

Section 5.11 Baseline Monitoring Reports

A. 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.

B. 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 Article V, Section 5.04, the Industrial User shall, within 180 days after the promulgation of the applicable Categorical Standard, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR 403.6(a)(4):

- (1) Apply for a Wastewater Discharge Permit; and

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

C. 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).

D. A New Source, an Industrial User that becomes a Categorical Industrial User through a change in facilities or processes, and/or sources that become Industrial Users subsequent to the promulgation of an applicable categorical Pretreatment Standard 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. New sources shall also be required to include in this report information on the method of pretreatment the source intends to use to meet applicable pretreatment standards. New Sources shall give estimates of the information requested in 40 CFR 403.12(b)(4) and (5).

(1) Identifying information. The User shall submit the name and address of the facility including the name of the operator and owners;

(2) Permits. The User shall submit a list of any environmental control permits held by or for the facility;

(3) Description of operations. The User shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operation(s) carried out by such Industrial User. This description should include a schematic process diagram which indicates points of Discharge to the POTW from the regulated processes.

(4) Flow measurement. The User shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from each of the following:

- i. Regulated process streams; and
- ii. Other streams as necessary to allow use of the combined wastestream formula of §403.6(e) [see §403.12(b)(5)(iv)].

The Control Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurement of pollutants.

- i. The User shall identify the Pretreatment Standards applicable to each regulated process;
- ii. In addition, the User shall submit the results of sampling and analysis identifying the nature and concentration (or mass, where required by the Standard or Control Authority) of regulated pollutants in the Discharge from each regulated process. Both daily maximum and average concentration (or mass, where required) shall be reported. The sample shall be representative of daily operations. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit

documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard;

iii. The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.

iv. Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula of § 403.6(e) in order to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with § 403.6(e) this adjusted limit along with supporting data shall be submitted to the Control Authority;

v. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR part 136 and amendments thereto. Where 40 CFR part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the Administrator determines that the part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the POTW or other parties, approved by the Administrator;

vi. The Control Authority may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures; and

vii. The baseline report shall indicate the time, date and place, of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant Discharges to the POTW.

(6) Certification. A statement, reviewed by an authorized representative of the Industrial User [as defined in §403.12(l)] and certified to by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O and M) and/or additional Pretreatment is required for the Industrial User to meet the Pretreatment Standards and Requirements; and

(7) Compliance schedule. If additional pretreatment and/or O and M will be required to meet the Pretreatment Standards; the shortest schedule by which the Industrial User will provide such additional pretreatment and/or O and M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard.

i. Where the Industrial User's categorical Pretreatment Standard has been modified by a removal allowance (§ 403.7), the combined wastestream formula [§ 403.6(e)], and/or a Fundamentally Different Factors variance (§ 403.13) at the time the User submits the report required by §403.12(b), the information required by §403.12(b)(6) and (7) shall pertain to the modified limits; and

- ii. If the categorical Pretreatment Standard is modified by a removal allowance (§ 403.7), the combined wastestream formula [§ 403.6(e)], and/or a Fundamentally Different Factors variance (§ 403.13) after the User submits the report required by §403.12(b), any necessary amendments to the information requested by paragraphs §403.12(b)(6) and (7) shall be submitted by the User to the Control Authority within 60 days after the modified limit is approved.

Section 5.12 Categorical Compliance Report

Within 90 days following the date for final compliance with applicable Categorical Standards or, in the case of a New Source, following commencement of the Discharge of Industrial Waste from processes regulated by Categorical Standards into the Sewer System, any Industrial User subject to Categorical Standards shall submit to the Authority a report indicating the nature and concentration of all Pollutants in the Discharge from the regulated process which are limited by Categorical Standards and the average and maximum daily flow for those process units in the Industrial User's facility which are limited by such Categorical Standards. The report shall certify that the information contained therein concerning Wastewater constituents and flows is representative of discharges during 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 5.04, paragraph L, of this Article. This statement shall be signed by an Authorized Representative of the Industrial User, and certified to by a Certified Professional.

Section 5.13 Periodic Compliance Reports

A. All Significant Industrial Users shall report to the Authority at least twice a year, the date of the report to be as determined by the Authority and contained in the Wastewater Discharge Permit. Reports may be required more frequently, if deemed necessary by the Authority. Report requirements include, but are not limited to, a description of the nature, concentration, and flow of the pollutants required to be reported by the Control Authority.

B. Reports of Potential Problems.

(1) In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, a Slug Discharge or Slug Load, that might cause potential problems for the POTW, the User shall immediately telephone and notify the Pretreatment Coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User.

(2) Within five (5) days following such discharge, the User shall, unless waived by the Pretreatment Coordinator, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might be incurred as a result of

damage to the POTW, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to this Resolution.

(3) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 5.13.B(1), above. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.

(4) Significant Industrial Users are required to notify the Pretreatment Coordinator immediately of any changes at its facility affecting the potential for a Slug Discharge.

C. 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).

D. 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 Article V, Section 5.04, paragraph H of this Resolution 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."

E. 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.

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

G. 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: ___”

Section 5.14 Reporting and Resampling of Discharge Limit Violations

A. If, upon receipt of valid sampling and testing results, a Significant Industrial User becomes aware that a 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.

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

Section 5.15 Sampling and Analysis

A. All sampling and analysis performed in compliance with Wastewater Discharge Permit conditions or to prepare the reports required in Sections 5.11, 5.12, 5.13 and 5.14 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.

B. 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.

C. 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.

D. 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 5.14 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.

E. For sampling required in support of baseline monitoring and 90-day compliance reports required in paragraphs §403.12(b) and (d), a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Control Authority may authorize a lower minimum. For the reports required by paragraphs §403.12(e) and (h), the Control Authority shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with Applicable Pretreatment Standards and Requirements.

Section 5.16 Monitoring Facilities

A. 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.

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

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

Section 5.17 Inspections

The Authority may inspect the facilities of any User to ascertain whether the purpose of this Resolution is being met and all requirements are being complied with. Persons or occupants of premises 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.

Section 5.18 Pretreatment Facilities

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

Section 5.19 Confidentiality

- A. Information and data on an Industrial User obtained from reports, questionnaires, Wastewater Discharge Permit applications and monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information, processes or methods of production are entitled to protection as trade secrets of the Industrial User.
- B. When requested by the Person furnishing a report, and supported by evidence acceptable to the Authority as to need for protection as confidential material, the portion of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon 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.
- C. 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.
- D. 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.

Section 5.20 Change in Operations

A. 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.

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

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

C. 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 5.13(A).

Section 5.21 Records

A. 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.

B. 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.

C. 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.

D. 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.

E. All Industrial User sampling records shall include the specific information outlined in 40 CFR 403.12(o)(1)(i) through (v).

F. Non-Significant Categorical Industrial Users (NSCIUs) shall be required to maintain all records satisfactory to support the NSCIU determination.

ARTICLE VI - ENFORCEMENT

Section 6.01 Right to Refuse

The Authority reserves the right to refuse to accept Wastewater, or combinations of Wastewater, which are Discharged in violation of the terms or conditions of this Resolution, or the written directions of the Authority issued pursuant to the conditions of this Resolution. The Authority may take such steps as it deems necessary, as outlined in this Resolution, to compel discontinuance of use of the Sewer System or Pretreatment of Industrial Wastes in order to comply with the provisions of this Resolution. In such cases, the Industrial User shall, to the extent necessary to maintain compliance with this Resolution, 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 Resolution.

Section 6.02 Suspension of Permit

A. 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.

B. Any Industrial User notified of a suspension of its Wastewater Discharge Permit shall immediately stop or eliminate the Discharge. In the event of a failure of the Industrial User to comply voluntarily with the 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.

C. 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.

Section 6.03 Revocation of Permit

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

1. Failure of an Industrial User to factually report the Wastewater constituents and characteristics of its discharge in any application for a Wastewater Discharge Permit, or in any reports required by Article V, Sections 5.11, 5.12, 5.13, or 5.14 of this Resolution;
2. Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics as required in Article V, Section 5.20 of this Resolution;
3. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring;
4. Significant Noncompliance with conditions of the Wastewater Discharge Permit;
5. The Authority's authority to revoke a permit for good cause, including, but not limited to, the conditions later stated;
6. Falsifying self-monitoring reports and certification statements; or
7. Tampering with monitoring equipment.

B. 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 Article V, Section 5.01, and is subject to the penalties provided herein.

Section 6.04 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.

Section 6.05 Show Cause Hearing

A. 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.

B. 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:

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

C. At any hearing held pursuant to this 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.

D. After the Authority has reviewed the evidence, it may, in writing, direct the Industrial User to take certain actions to correct the Unauthorized Discharge or to achieve Compliance. The actions which may be directed include, but are not limited to:

1. Installation of Pretreatment facilities or equipment;
2. Modification or additions to existing Pretreatment facilities or equipment;
3. Initiation of management practices which are required to alter the nature of the Industrial Waste being discharged;
4. Development or implementation of SPCC plans or other measures;
5. Other measures found to be necessary to correct the Unauthorized Discharge or other Non Compliance.
6. The direction may be in the form of a schedule for compliance, setting dates by which certain actions shall be taken.

E. Failure of an Industrial User to comply with directions issued pursuant to a hearing constitutes a violation of this Resolution and may be subject to additional actions or penalties as outlined in this Article.

Section 6.06 Administrative Orders

The Authority may issue written directions as described in Section 6.05, paragraph D, 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 Resolution or any Wastewater Discharge Permit or other requirements of the Industrial Pretreatment Program, the Authority or Federal or State regulations.

Section 6.07 Right of Appeal

A. An Industrial User may appeal the enforcement actions enumerated above in Sections 6.02, 6.03, 6.05 and 6.06 of this Article, or Wastewater Discharge Permit conditions, in whole or in part. An appeal is subject to the following requirements.

1. The appeal must be made in writing to the Authority.
2. 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.
3. The appeal must state the specific provision(s) of a Wastewater Discharge Permit or the specific directions of the Authority which are being contested.
4. The appeal must state the reasons for the appeal of each provision.
5. The appeal may suggest alternate or revised provisions to replace those appealed.

B. Provisions mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed.

C. An appeal shall be made to the Authority, and shall be reviewed by any designated representative(s) of the Authority, provided:

1. The representative shall not be the Pretreatment Coordinator; and
2. The representative is not the Superintendent.

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

1. A summary of each item appealed the appellant's reasons for appeal, and the appellant's proposed remedies, if any.
2. The finding of merit for each point, and the reason(s) for finding.
3. 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.

E. 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:

1. Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
2. Deny the appeal.

This decision constitutes final administrative action.

Section 6.08 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.

Section 6.09 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.

Section 6.10 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.

Section 6.11 Significant Violators

The Authority shall publish annually, a list of Industrial Users that were found to be in Significant Noncompliance during the previous 12 months. 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:

- A. 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.

B. 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).

C. 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.

D. Any Discharge that has caused imminent endangerment to human health, welfare or the environment, or has caused the Authority to exercise its emergency authority under Section 6.02 of this Resolution.

E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or submitted in response to written directions of the Authority, for starting construction, completing construction, or attaining final compliance.

F. Failure to provide, within forty-five (45) days after the due date, any required reports, including but not limited to baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules, or reports on a change in operations.

G. Failure to accurately report any Noncompliance.

H. Any other violation, 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.

Section 6.12 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 6.13 Administrative Fines

A. When the Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this Resolution, an individual wastewater discharge permit, or a general permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Pretreatment Coordinator may fine such User in an amount not to exceed One Thousand Dollars (\$1,000). Such fines shall be assessed on a per-violation, per-day basis. In the case of monthly or other long-term average discharge limits, fines shall be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after five (5) calendar days, be assessed an additional penalty of five percent (5%) of the unpaid balance. The Authority retains the right to file a municipal claim/lien against the User's property for unpaid charges, fines, and penalties.

C. Users shall have the right to appeal such fines by filing a written appeal with the Authority Board within thirty (30) days of being notified of the fine. The appeal must be accompanied by payment of the underlying fine, which shall be held in escrow pending resolution of the appeal. Upon receipt of an appeal, the Authority Board shall schedule a hearing in compliance with the procedures consistent with the Pennsylvania Local Agency Law, 2 Pa. C.S. § 553-555. In the event the User's appeal is successful, any payments made, together with any interest accruing thereto, shall be returned to the User.

D. The Pretreatment Coordinator may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

E. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

ARTICLE VII - PENALTIES

Section 7.01 Civil Penalties

Any Person who violates any provisions of this Resolution, or the rules, regulations and permits issued hereunder, shall pay a civil penalty of not more than Twenty-Five Thousand Dollars (\$25,000) 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 Resolution or the rules, regulations and permits issued hereunder.

ARTICLE VIII - REMEDIES NOT EXCLUSIVE

The enumeration of remedies in Articles VI and VII of this Resolution 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 Resolution 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. As the Authority is not authorized to independently pursue criminal remedies as a municipal authority under the laws of the Commonwealth of Pennsylvania, the Authority reserves the right to assist any state or federal agency in their respective criminal prosecution of such actions.

ARTICLE IX - 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 Resolution.

ARTICLE X - CONSTRUCTION AND SEVERABILITY

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

ARTICLE XI - REPEALER

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

**BOROUGH OF FREELAND MUNICIPAL AUTHORITY
EXHIBIT 1 – SCHEDULE OF CHARGES AND FEES
WATER & SEWER DIVISIONS**

NSF/Returned Check Charge	\$ 30.00	
Water Off/Water On Charge	\$ 30.00	
Repair of Touch Pad	\$ 50.00	
Meter Installation	\$ 60.00	
Reinstallation of Meter	\$ 60.00	
Customer Request Meter Change	\$ 150.00	
Customer Request Lab Accuracy (Meter)	Pay Upfront Cost from Laboratory	
Non-Emergency Call-Out	\$ 200.00	
Frozen/Stolen 5/8" Meter	\$ 240.00	
Frozen/Stolen 1" and Larger Meter	Based on Current Cost	
Theft of Services/Curb Box Tamper-1 st Offense	\$1000.00	
Theft of Services/Curb Box Tamper-2 nd Offense	\$1500.00	
Theft of Services/Curb Box Tamper-3 rd Offense	\$2500.00	
Theft of Services/Curb Box Tamper-4 th Offense	\$4500.00	
5 th Offense and Afterwards Double Amount Each Time		
Sewer Inspection/Reconnection Fee	\$ 35.00	
NOV-Floor Drains/Sump Pump/Roof Leaders	60 Days to Correct	
1 st Offense after Initial Correction Period	\$ 250.00	
2 nd Offense after Next 30 Days	\$ 500.00	
3 rd Offense after Next 30 Days	\$1000.00	
4 th Offense after Next 30 Days	\$2000.00	
Penalties will Continue to Double Every 30 Days Until Correct		
Research/Final Bill Fee	\$ 15.00	
Lien Filing Fee	Based on Current Rate from County	
Tap On Fee for Water	Based on Current Rate	
Tap On Fee for Sewer	Based on Current Rate	

APPENDIX B

[Being the Borough of Freeland Municipal Authority Pretreatment Rules and Regulations Enforcement Response Plan, Dated November 28, 2022]

Borough of Freeland Municipal Authority
Pretreatment Rules and Regulations
Enforcement Response Plan

November 28, 2022

**Borough of Freeland Municipal Authority
Pretreatment Rules and Regulations
Enforcement Response Plan**

This Enforcement Response Plan (ERP) contains detailed procedures indicating how the Borough of Freeland Municipal Authority (Authority) will investigate and respond to instances of industrial user noncompliance. All violations of the Authority's pretreatment program will be met with some type of enforcement response. The ERP describes: (1) how the Authority will investigate instances of noncompliance; (2) the types of escalating enforcement responses the Authority will take in response to all anticipated types of industrial user violations and the time periods within which responses will take place; (3) identify (by title) the official(s) responsible for each type of response; and (4) adequately reflect the Authority's primary responsibility to enforce all applicable pretreatment requirements and standards as detailed in 40 CFR 403.8(f)(1) and (f)(2). The purpose of developing and following an approved ERP is so that the Authority may enforce against industrial users objectively, consistently, and equitably. Each enforcement response will be handled under criteria, systems and guidelines from among those provided in the ERP, and based on the nature and severity of the violation and other relevant factors.

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1. Permit Related Violations

A. Unauthorized Discharge (No Permit)

- i. **Investigation:** Review of Priority Pollutant analytical sampling results (WWTP influent, effluent, and/or biosolids [sludge]) by the Authority's Industrial Pretreatment Program Coordinator (IPPC).
 1. **Circumstance:** Isolated discharge contributing to atypical chemical results or irregular spikes with no known upset or damages to the Authority's wastewater treatment facilities and/or environment.
 - a. **Response:** A sewer system survey is conducted, and potential industrial users are isolated and investigated through chemical fingerprinting/forensic analysis. A Wastewater Discharge Permit application is issued to the potential industrial user(s) for review by the IPPC and is required to be completed and submitted to the Authority for approval within thirty (30) calendar days of identification of the unauthorized discharge.
 2. **Circumstance:** Continued discharge contributing to atypical chemical results or irregular spikes with no known upset or damages to the Authority's wastewater treatment facilities and/or environment; or inadequate response to prior direction provided by the Authority.
 - a. **Response:** A Notice of Violation (NOV) accompanied by a Wastewater Discharge Permit application is issued via certified mail to the identified potential industrial user(s) by the IPPC and is required to be completed and submitted to the Authority for approval within fifteen (15) calendar days of the certified receipt of the NOV. Proceedings to initiate a civil action, including penalties up to \$25,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Authority's Legal Advisor (Legal Advisor).
 3. **Circumstance:** Isolated or continued discharge contributing to atypical chemical results or irregular spikes and resulting in a Significant Violation.

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- a. Response: An Administrative Order is issued via certified mail by the IPPC to the identified potential industrial user(s) within five (5) calendar days of identification of the unauthorized discharge requiring an immediate halt to the discharge, a written explanation for the unauthorized discharge, and a written statement documenting how the unauthorized discharge will be mitigated. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$25,000 per day per separate violation, or monetary costs equal to the damages incurred at the Authority's wastewater treatment facilities, and/or criminal summary proceedings, may also be commenced by the Legal Advisor. Sewer discharge privileges in the form of a Wastewater Discharge Permit are also delayed until proper application forms are submitted and approved by the Authority and all fines are paid in full by the violator.

B. Failure to Renew Permit

- i. Investigation: Monitoring and tracking of active Wastewater Discharge Permits for permitted industrial users by the IPPC.

1. Circumstance: Any Instance.

- a. Response: An Administrative Order is issued via certified mail by the IPPC to the industrial user ordering completion of a Wastewater Discharge Permit application, and/or a written explanation of the industrial user's intent to continue the permitted discharge. If a Wastewater Discharge Permit application and/or written explanation is not completed and received by the Authority within fifteen (15) calendar days of the certified receipt of the Order, the Legal Advisor will initiate civil action, including penalties up to \$1,000 per day per separate violation and/or criminal summary proceedings.

2. Effluent Limitation Violations

A. Discharge Limit Violation or Exceedance of Local or Federal Standard

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- i. **Investigation:** Review of the specified self-monitoring reports and/or sampling reports by the IPPC relative to permitted effluent limitations.
 - 1. **Circumstance:** Isolated violation.
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring an immediate written explanation for the violation. A laboratory analysis showing an exceedance of any discharge limit will result in immediate retesting of the waste stream until such time that either three (3) consecutive analyses exhibiting acceptable results are obtained, or a compliance schedule and revised frequency schedule has been determined. All industrial users must, at a minimum, resample and report within thirty (30) calendar days of every excursion. If no response is received within thirty (30) calendar days of the certified receipt of the NOV, proceedings to initiate a civil action, including penalties of up to \$1,000 per day per separate violation and possible suspension/termination of services and/or criminal summary proceedings will be commenced by the Legal Advisor.
 - 2. **Circumstance:** Inadequate response to previous NOV, or continued violation not considered a Significant Violation and/or does not result in the industrial user being considered in Significant Noncompliance (SNC).
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within thirty (30) calendar days of the certified receipt of the NOV, proceedings to initiate a civil action, including penalties of up to \$1,000 per day per separate violation and possible suspension/termination of services and/or criminal summary proceedings will be commenced by the Legal Advisor.
 - 3. **Circumstance:** Violation(s) classified as Significant Violation(s) or which results in the user being considered in SNC.
 - a. **Response:** An Administrative Order is issued via certified mail by the IPPC to the industrial user requiring the user to provide a written explanation for the violation(s) and how it will be corrected within fifteen

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(15) calendar days of the certified receipt of the NOV. The Order may contain a time schedule by which the user must achieve compliance. If necessary, the Authority may suspend or revoke the permit until the issue is resolved. If no response is received within fifteen (15) calendar days of the certified receipt of the Order, proceedings to initiate a civil action, including penalties up to \$25,000 per day per separate violation, or calculated using EPA's Guidance for Calculating the Economic Benefit of Noncompliance, and possible suspension/termination of services and/or criminal summary proceedings will be commenced by the Legal Advisor. For industrial users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

3. Field Inspection Related Violations

A. Denial of Entry

- i. **Investigation:** Semi-annual (minimum) site inspections conducted by the IPPC and/or Superintendent of Operations.

- 1. **Circumstance:** Any instance.

- a. **Response:** Application to a governing Magisterial District Judge for an administrative search warrant will be initiated by the Legal Advisor. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation and/or criminal summary proceedings, may also be commenced. The industrial user's permit may also be suspended and/or revoked by the Authority.

B. Inadequate Recordkeeping

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- i. **Investigation:** Semi-annual (minimum) site inspections conducted by the IPPC and/or Superintendent of Operations, including review of facility records.

- 1. **Circumstance:** Any instance.

- a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued via certified mail by the IPPC to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) days calendar days of the certified receipt of the Order. The Authority may also suspend or revoke the permit. Proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced.

4. Sampling, Analyzing, and Monitoring Violations

A. Failure to Correctly Self-Monitor, Sample, or Analyze

- i. **Investigation:** Review of the specified self-monitoring reports and/or sampling reports by the IPPC; performance of semi-annual (minimum) site inspections by the IPPC and/or Superintendent of Operations.

- 1. **Circumstance:** Isolated violation or delayed response which is received after notification of the industrial user by the Authority.

- a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring a written explanation for the violation accompanied by corrected information (as applicable) within thirty (30) calendar days of the certified receipt of the NOV.

- 2. **Circumstance:** Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC.

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- a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor. The Authority may also suspend or revoke the Permit. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

5. Reporting Violations

A. Failure to Report Violations

- i. Investigation: Review of the specified self-monitoring reports and/or sampling reports by the IPPC; performance of semi-annual (minimum) site inspections by the IPPC and/or Superintendent of Operations.
 1. Circumstance: Isolated violation or delayed response which is received after notification of the industrial user by the Authority.
 - a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring a written explanation for the violation accompanied by corrected information (as applicable) within thirty (30) calendar days of the certified receipt of the NOV.
 2. Circumstance: Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC.

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- a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

B. Failure to Report Slug Discharges

- i. Investigation: Review of the specified self-monitoring reports and/or sampling reports by the IPPC and/or WWTP performance monitoring by the Authority's Superintendent of Operations.
 1. Circumstance: Isolated violation contributing to atypical chemical results or irregular spikes with no known effects on the Authority's wastewater treatment facilities and/or environment.
 - a. Response: All existing and potential industrial users are isolated and investigated through chemical fingerprinting/forensic analysis to determine the source of the slug discharge. A NOV is issued via certified mail by the IPPC to the industrial user(s) identified as causing the slug discharge requiring a written explanation for the violation within five (5) calendar days of the certified receipt of the NOV. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day

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per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor.

2. Circumstance: Continued violation contributing to atypical chemical results or irregular spikes with no known effects on the Authority's wastewater treatment facilities and/or environment; delayed or inadequate response to previous NOV that may also result in user being in SNC.
 - a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.
3. Circumstance: Significant Violation with known upset or damages to the Authority's wastewater treatment facilities and/or environment.
 - a. Response: An Administrative Order is issued via certified mail by the IPPC to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order. The Authority may also suspend or revoke the permit. Depending on the circumstances

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of the violation, proceedings to initiate a civil action, including penalties of up to \$25,000 per day per separate violation, or monetary costs equal to those needed for repairing any damage incurred to the Authority's wastewater treatment facilities resulting from the violation, as well as possible suspension/termination of services and/or criminal summary proceedings may additionally be commenced by the Legal Advisor.

C. Failure to Report Substantial Change

- i. **Investigation:** Semi-annual (minimum) site inspections conducted by the IPPC and/or Superintendent of Operations; review of past and present operating conditions for identification of significant operational changes.
 1. **Circumstance:** Isolated violation with no known effects on the Authority's wastewater treatment facilities and/or environment.
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring a written explanation for the violation within five (5) calendar days of the certified receipt of the NOV. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor.
 2. **Circumstance:** Continued violation with no known effects on the Authority's wastewater treatment facilities and/or environment; delayed or inadequate response to previous NOV that may also result in user being in SNC.
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of

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the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

3. Circumstance: Significant Violation with known upset or damages to the Authority's wastewater treatment facilities and/or environment.
 - a. Response: An Administrative Order is issued via certified mail by the IPPC to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil legal action, including penalties of up to \$25,000 per day per separate violation, or monetary costs equal to those needed for repairing any damage incurred to the Authority's wastewater treatment facilities resulting from the violation and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

D. Failure to Report Additional Monitoring

- i. Investigation: Review of the specified self-monitoring reports and/or sampling reports by the IPPC; performance of semi-annual

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(minimum) site inspections by the IPPC and/or Superintendent of Operations.

1. Circumstance: Isolated violation or delayed response which is received after notification of the industrial user by the Authority.
 - a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring a written explanation for the violation accompanied by corrected information (as applicable) within thirty (30) calendar days of the certified receipt of the NOV.
2. Circumstance: Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC.
 - a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the industrial user by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

6. Operations Related Violations

A. Dilution in Lieu of Treatment

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- i. **Investigation:** Review of the specified self-monitoring reports and/or sampling reports by the IPPC; performance of semi-annual (minimum) site inspections by the IPPC and/or Superintendent of Operations relative to trends in operations and reported effluent discharge volumes.

- 1. **Circumstance:** Evidence of intent or negligence.

- a. **Response:** An Administrative Order is issued via certified mail by the IPPC to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order. The Authority may also suspend or revoke the permit. If no response is received within five (5) calendar days of the certified receipt of the Order, proceedings to initiate a civil action, including penalties up to \$25,000 per day per separate violation, or calculated using EPA's Guidance for Calculating Economic Benefit of Noncompliance, and possible suspension/termination of services, and/or criminal summary proceedings will be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

B. Failure to Properly Operate and Maintain Pretreatment Equipment

- i. **Investigation:** Review of the specified self-monitoring reports and/or sampling reports by the IPPC; performance of semi-annual (minimum) site inspections by the IPPC and/or Superintendent of Operations.

- 1. **Circumstance:** Isolated violation with no known effects on the Authority's wastewater treatment facilities and/or environment.

- a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring an immediate written explanation for the violation and a plan of action to prevent a similar violation within thirty (30) calendar

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days of the certified receipt of the NOV. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor.

2. Circumstance: Significant Violation with known upsets or damages to the Authority's wastewater treatment facilities and/or environment.

- a. Response: An Administrative Order is issued via certified mail by the IPPC to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties of up to \$25,000 per day per separate violation, or monetary costs equal to those needed for repairing any damage incurred to the Authority's wastewater treatment facilities resulting from the violation and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

C. Failure to Mitigate Noncompliance or Halt Production

- i. Investigation: Review of the specified self-monitoring reports and/or sampling reports by the IPPC; performance of semi-annual (minimum) site inspections by the IPPC and/or Superintendent of Operations.

1. Circumstance: Any instance after the original NOV has been ignored.

- a. Response: An Administrative Order is issued via certified mail by the IPPC to the industrial user ordering

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an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected, within five (5) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties of up to \$25,000 per day per separate violation, or monetary costs equal to those needed for repairing any damage incurred to the Authority's wastewater treatment facilities resulting from the violation, as well as possible suspension/termination of services, and/or criminal summary proceedings may additionally be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

7. Administrative Violations

A. Failure to Include Certification and Signatures in Reports

- i. **Investigation:** Review of the specified self-monitoring reports and/or sampling reports by the IPPC.
 1. **Circumstance:** Isolated violation.
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring a written explanation for the delinquency along with corrective actions to be taken within thirty (30) calendar days of the certified receipt of the NOV.
 2. **Circumstance:** Continued violation; delayed and/or inadequate response to previous NOV that may also result in user being in SNC.
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring attendance at a Show-

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Cause Hearing. If no response is received within thirty (30) calendar days of the certified receipt of the NOV, an Administrative Order is issued via certified mail by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the permit. Depending on the circumstances of the violation, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor. For users in SNC at any time during the year the following will also apply: The Authority will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the WWTP a list of those industrial users which, at any time during the previous 12 months, were in SNC.

8. Schedule Related Violations

A. Compliance Schedule Violations

- i. **Investigation:** Monitoring and tracking of required compliance schedule targets and timetables for permitted industrial users by the IPPC.
 1. **Circumstance:** Reporting violation which will not cause lateness in other interim dates.
 - a. **Response:** A NOV is issued via certified mail by the IPPC to the industrial user requiring an immediate written explanation for the delinquency along with the items required. If no response is received within thirty (30) calendar days of the certified receipt of the NOV, an Administrative Order is issued via certified mail by the IPPC to the industrial user ordering an immediate halt to such violation(s) along with the requirement that the user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order.

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2. Circumstance: Reporting violation; delayed and/or inadequate response to previous NOV, or delays which will cause lateness in other interim dates.
 - a. Response: A NOV is issued via certified mail by the IPPC to the industrial user requiring an immediate written explanation for the delinquency along with the required deliverable items within fifteen (15) calendar days of the certified receipt of the NOV. In this response, the user is additionally required to provide a specific future date when the elapsed date will be met and the probability of meeting the next scheduled requirement. The Authority may suspend or revoke the permit. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, proceedings to initiate a civil action, including penalties up to \$1,000 per day per separate violation, or calculated using EPA's Guidance for Calculating the Economic Benefit of Noncompliance, and possible suspension/termination of services and/or criminal summary proceedings may be commenced by the Legal Advisor.

9. Illegal Discharge Violations

A. Illegal Discharge

- i. Investigation: Review of Priority Pollutant analytical sampling results (WWTP influent, effluent, and/or biosolids [sludge]) by the IPPC; performance of semi-annual (minimum) site inspections by the IPPC and/or Superintendent of Operations.
 1. Circumstance: Isolated discharge contributing to atypical chemical results or irregular spikes with no known upset or damages to the Authority's wastewater treatment facilities and/or environment.
 - a. Response: All existing and potential industrial users are isolated and investigated through chemical fingerprinting/forensic analysis to determine the source of the illegal discharge. Additional confirmation sampling at various points in the collection system may be conducted by the Authority. A NOV is issued via certified mail by the IPPC to any existing industrial user

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requiring an immediate written explanation for the violation and a plan of action to prevent a similar violation within thirty (30) calendar days of the certified receipt of the NOV. A Wastewater Discharge Permit application is issued to any identified potential industrial user(s) for review by the IPPC and is required to be completed and submitted to the Authority for approval within thirty (30) calendar days of identification of the illegal discharge.

2. Circumstance: Continued discharge contributing to atypical chemical results or irregular spikes with no known upset or damages to the Authority's wastewater treatment facilities and/or environment; or inadequate response to prior direction provided by the Authority.
 - a. Response: A NOV is issued via certified mail by the IPPC to any identified existing industrial user requiring attendance at a Show-Cause Hearing. If no response is received within fifteen (15) calendar days of the certified receipt of the NOV, an Administrative Order is issued to the existing industrial user by the IPPC ordering an immediate halt to such violation(s) along with the requirement that the existing user provide a written explanation for the violation and how it will be corrected within fifteen (15) calendar days of the certified receipt of the Order. The Authority may suspend or revoke the existing user's permit. A Notice of Violation (NOV) accompanied by a Wastewater Discharge Permit application is issued via certified mail by the IPPC to any identified potential industrial user(s) and is required to be completed and submitted to the Authority for approval within fifteen (15) calendar days of the certified receipt of the NOV. Proceedings to initiate a civil action, including penalties up to \$25,000 per day per separate violation, and/or criminal summary proceedings may also be commenced by the Legal Advisor in either scenario.
3. Circumstance: Isolated or continued discharge contributing to atypical chemical results or irregular spikes and resulting in a Significant Violation.
 - a. Response: An Administrative Order is issued via certified mail by the IPPC to any identified existing or

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potential industrial user(s) within five (5) calendar days of identification of the illegal discharge requiring an immediate halt to the discharge, a written explanation for the illegal discharge, and a written statement documenting how the illegal discharge will be mitigated. Depending on the circumstances of the violation, proceedings to initiate a civil legal action, including penalties up to \$25,000 per day per separate violation, or monetary costs equal to the damages incurred at the Authority's wastewater treatment facilities, as well as possible suspension/termination of existing services, and/or criminal summary proceedings may additionally be commenced by the Legal Advisor. Sewer discharge privileges in the form of a Wastewater Discharge Permit are also delayed for any identified potential industrial user(s) until proper application forms are submitted and approved by the Authority and all fines are paid in full by the violator.

APPENDIX C

[Being the Borough of Freeland Municipal Authority Pretreatment Rules and Regulations Civil Penalty Assessment and Injunctive Relief Policy, including Table 1, Dated November 30, 2022]

Borough of Freeland Municipal Authority
Pretreatment Rules and Regulations
Civil Penalty Assessment and Injunctive Relief Policy

November 30, 2022

Borough of Freeland Municipal Authority
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A. Civil Penalty Assessment.

- (1) In addition to the other enforcement actions described within the Enforcement Response Plan (ERP), the Borough of Freeland Municipal Authority (Authority) may also seek civil penalties and/or injunctive relief against industrial users who fail to comply with the requirements of this article or their wastewater discharge permit.
- (2) Civil penalties vary up to \$25,000 per day per separate violation depending on the severity of the violation and other factors. In civil penalty assessment, the Authority will consider all of the following factors:
 - (a) The damage to air, water, land, or other natural resources of the Commonwealth, and their uses.
 - (b) Cost of restoration and abatement.
 - (c) Cost savings, if any, by the industrial user as a result of the violation.
 - (d) Past violations, compliance history.
 - (e) Industrial user's willingness to work with the Authority.
 - (f) Harm to the Authority, POTW and its personnel.
 - (g) Whether the violation resulted or could have resulted in an NPDES Permit No. PA0024716 violation.
 - (h) Whether the violation resulted or could have resulted in a violation or restriction of the Authority's POTW sludge disposal practices.
 - (i) Magnitude of the violation.
 - (j) Good faith effort by the industrial user; did the industrial user respond to the notice of violation or the violation in a timely manner; did the industrial user notify the Authority and did the industrial user take the initiative in a quick and effective corrective action to eliminate the noncompliance.
 - (k) Other relevant factors.
- (3) The general Civil Penalty Assessment Schedule of the Authority is given in Table 1. All fines listed were developed in accordance with the Publicly Owned Treatment Works Penalty Law (Act 9 of 1992) and will be assessed on a per day per separate violation basis. The fines shown are maximum penalties, which the Authority has the right to reduce or waive in certain circumstances.
- (4) All civil penalties collected pursuant to this Civil Penalty Assessment Policy will be placed in a restricted account and shall only be used by the Authority for the repair of damage and any additional maintenance or other costs resulting from the

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violation(s) on which the penalty was imposed; to pay any penalties imposed on the Authority by a state or federal agency as a result of violating any pretreatment standards; for the costs incurred by the Authority to investigate and initiate enforcement actions against the noncomplying discharge (including legal and engineering fees); for additional monitoring costs associated with the noncomplying industrial user and for capital improvements to the treatment plant or collection system required by the pretreatment program. Any remaining funds may be used for capital improvements to the treatment plant or collections system not required by the pretreatment program.

- (5) The Authority's ability to seek civil penalties against noncomplying users shall apply to all industrial users of the Authority's wastewater collection and treatment system regardless of political boundary. The civil penalties may be sought in the Court of Common Pleas where the Authority's treatment plant is located, where the activity took place, where the condition exists or the public was affected, and to that end jurisdiction is hereby conferred in law and equity upon such courts.

B. Injunctive Relief.

- (1) Where necessary, the Authority shall also have the power to obtain injunctive relief against any industrial users who are in violation of a pretreatment standard or requirement. Injunctive relief will be granted pursuant to Pennsylvania law if any of the following conditions can be determined to be true:
 - (a) A discharge from an industrial user presents an imminent or substantial danger to the environment;
 - (b) A discharge from an industrial user causes the Authority to violate any condition of its NPDES permit, biosolids application and/or disposal standards or other state or federal requirements;
 - (c) A discharge from an industrial user presents an imminent or substantial danger to the Authority's treatment plant or collection system, Authority personnel or the general public;
 - (d) The industrial user has shown a lack of ability or intention to comply with a pretreatment standard or pretreatment requirement.
- (2) Injunctive relief may also be issued against a noncomplying industrial user if the court determines that other enforcement actions available to the Authority would not be adequate to affect prompt correction of the condition or violation. In addition to injunctive relief, the Authority may also be granted civil penalties according to Subsection **A** of this section.
- (3) The Authority's ability to seek injunctive relief against noncomplying industrial users shall apply to all industrial users regardless of political boundary. The injunctive relief may be sought in the Court of Common Pleas where the Authority's treatment plant is located, where the activity took place, where the condition exists or the public

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was affected, and to that end jurisdiction is hereby conferred in law and equity upon such courts.

- C. Notice of Assessment; Right to Appeal. The Authority may assess civil penalties directly against the industrial user by notice. The Authority shall include as part of the notice of an assessment of civil penalties a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal. The industrial user charged with any penalty previously described shall have 30 days to pay the proposed penalty in full or, if the industrial user wishes to contest either the amount of the penalty or the fact of the violation, the industrial user must file an appeal of the action within 30 days pursuant to 2 PA.C.S. § 105, the Local Agency Law.

TABLE 1

**BOROUGH OF FREELAND MUNICIPAL AUTHORITY
PRETREATMENT RULES AND REGULATIONS
CIVIL PENALTY ASSESSMENT SCHEDULE**

Violation	Circumstance	Penalty Assessment (Per Day Per Separate Violation)
<i>Permit Related Violations</i>		
Unauthorized Discharge (No Permit)	Continued discharge contributing to atypical chemical results or irregular spikes with no known upset or damages to the Authority's wastewater treatment facilities and/or environment; or inadequate response to prior direction provided by the Authority	Up to \$25,000
	Isolated or continued discharge contributing to atypical chemical results or irregular spikes and resulting in a Significant Violation	Up to \$25,000
Failure to Renew Permit	Any instance	Up to \$1,000
<i>Effluent Limitation Violations</i>		
Discharge Limit Violation or Exceedance of Local or Federal Standard	Isolated violation	Up to \$1,000
	Inadequate response to previous NOV, or continued violation not considered a Significant Violation and/or does not result in the industrial user being considered in Significant Noncompliance (SNC)	Up to \$1,000
	Violation(s) classified as Significant Violation(s) or which results in the user being considered in SNC	Up to \$25,000
<i>Field Inspection Related Violations</i>		
Denial of Entry	Any instance	Up to \$1,000
Inadequate Recordkeeping	Any instance	Up to \$1,000
<i>Sampling, Analyzing, and Monitoring Violations</i>		
Failure to Correctly Self-Monitor, Sample, or Analyze	Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC	Up to \$1,000

Violation	Circumstance	Penalty Assessment (Per Day Per Separate Violation)
Reporting Violations		
Failure to Report Violations	Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC	Up to \$1,000
Failure to Report Slug Discharges	Isolated violation contributing to atypical chemical results or irregular spikes with no known effects on the Authority's wastewater treatment facilities and/or environment	Up to \$1,000
	Continued violation contributing to atypical chemical results or irregular spikes with no known effects on the Authority's wastewater treatment facilities and/or environment; delayed or inadequate response to previous NOV that may also result in user being in SNC	Up to \$1,000
	Significant Violation with known upset or damages to the Authority's wastewater treatment facilities and/or environment.	Up to \$25,000
Failure to Report Substantial Change	Isolated violation with no known effects on the Authority's wastewater treatment facilities and/or environment	Up to \$1,000
	Continued violation with no known effects on the Authority's wastewater treatment facilities and/or environment; delayed or inadequate response to previous NOV that may also result in user being in SNC	Up to \$1,000
	Significant Violation with known upset or damages to the Authority's wastewater treatment facilities and/or environment	Up to \$25,000
Failure to Report Additional Monitoring	Continued violation; and/or failure to respond to a previous NOV that may also result in user being in SNC	Up to \$1,000

Violation	Circumstance	Penalty Assessment (Per Day Per Separate Violation)
Operations Related Violations		
Dilution in Lieu of Treatment	Evidence of intent or negligence	Up to \$25,000
Failure to Properly Operate and Maintain Pretreatment Equipment	Isolated violation with no known effects on the Authority's wastewater treatment facilities and/or environment	Up to \$1,000
	Significant Violation with known upsets or damages to the Authority's wastewater treatment facilities and/or environment	Up to \$25,000
Failure to Mitigate Noncompliance or Halt Production	Any instance after the original NOV has been ignored	Up to \$25,000
Administrative Violations		
Failure to Include Certification and Signatures in Reports	Continued violation; delayed and/or inadequate response to previous NOV that may also result in user being in SNC	Up to \$1,000
Schedule Related Violations		
Compliance Schedule Violations	Reporting violation; delayed and/or inadequate response to previous NOV, or delays which will cause lateness in other interim dates	Up to \$1,000
Illegal Discharge Violations		
Illegal Discharge	Continued discharge contributing to atypical chemical results or irregular spikes with no known upset or damages to the Authority's wastewater treatment facilities and/or environment; or inadequate response to prior direction provided by the Authority	Up to \$25,000
	Isolated or continued discharge contributing to atypical chemical results or irregular spikes and resulting in a Significant Violation	Up to \$25,000