

**MOUNTAIN TOP AREA JOINT SANITARY AUTHORITY  
LUZERNE COUNTY, PENNSYLVANIA**

**APPENDIX A**

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**RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

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**DATED: MAY 2008**

**MOUNTAIN TOP AREA JOINT SANITARY AUTHORITY  
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**MOUNTAIN TOP AREA JOINT SANITARY AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE 1  
GENERAL PROVISIONS**

**Purpose and Policy**

- 1.01 The Board of the Mountaintop Area Joint Sanitary Authority has duly adopted the following Rules and Regulations governing the admission of industrial wastes to the Publicly Owned Treatment Works.
- 1.02 The Mountaintop Area Joint Sanitary Authority, a body corporate and politic, existing under the laws of the Commonwealth of Pennsylvania, pursuant to the Municipal Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended, was duly organized by the Townships of Wright, Rice and Fairview pursuant to the Municipal Authorities Act of 1935, approved June 28, 1935, P.L. 463, as amended.
- 1.03 These Rules and Regulations set forth uniform requirements for direct and indirect contributors of industrial wastes into the wastewater and collection system owned and operated by the Authority, and enables the Authority to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General pretreatment Regulations (40 CFR, Part 403).
- 1.04 The basic objectives of these Rules and Regulations are:
  - A. To prevent the introduction of pollutants into the municipal wastewater system which will interfere with the operation of the system or contaminate the resulting sludge;
  - B. To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
  - C. To improve the opportunity to recycle and reclaim wastewaters and sludge from the system; and
  - D. To provide for equitable distribution of the cost of the municipal wastewater system.
- 1.05 These Rules and Regulations provide for the regulation of direct and indirect industrial waste contributors to the municipal wastewater system through the issuance of permits to certain non-domestic Users and through enforcement of

not general requirements for the other Users, authorize monitoring and enforcement activities, require User reporting, assume that existing customer's capacity will be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the pretreatment program established herein.

1.06 These Rules and Regulations shall apply to each person and any political subdivision that, by contract or agreement with the Authority, avails himself of sanitary sewer service, and every such person or political subdivision by availing himself of sanitary sewer service agrees to be bound by these Rules and Regulations.

### **Conflict**

1.07 These Rules and Regulations are a supplement to the Authority's existing General Rules and Regulations Governing Sewage Service of 1977 (as amended). The portions of these existing Rules and Regulations and all other Rules and Regulations, or parts thereof, which are inconsistent or conflicting with any part of these Rules and Regulations, are hereby repealed to the extent of such inconsistency or conflict.

### **Severability**

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

## **ARTICLE 2 DEFINITIONS AND ABBREVIATIONS**

### **Definitions**

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

- (1) Abnormal Industrial Waste – shall mean any industrial waste having a suspended solid content, a five-day biochemical oxygen demand, total nitrogen, or total phosphorous appreciably in excess of that normally found in municipal sewage. For the purposes of these regulations, any industrial waste containing more than 250 mg/L of suspended solids, having a BOD5 in excess of 250 mg/L, total nitrogen in excess of 40 mg/l, or total phosphorous in excess of 7 mg/L shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- (2) Act or “the Act” – The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended.
- (3) Approved Authority – The Administrator of the U.S. EPA Region III office until such time that the state’s pretreatment program is approved, when the Director of the PA-DEP will become the Approval Authority.
- (4) Authority – shall mean the Mountaintop Area Joint Sanitary Authority, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania.
- (5) Authorized Representative of Industrial User – An authorized representative of an industrial User may be : (a) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (b) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (c) A duly authorized representative of the individual designated above if the authorization is in writing by the individual described in (a) or (b) and this authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates or overall responsibility for environmental matters for the company, and the written authorization is submitted to the Authority. In any case the Authorized Representative must have signature authority.
- (6) Best Management Practices or BMP’s mean schedules or activities, prohibitions of practices, maintenance procedures and other management practices to implement the prohibitions listed in Sections

- 3.01, 302, and 3.03. BMP's 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.
- (7) Board – shall mean the elected and appointed members of the Board of The Mountaintop Area Joint Sanitary Authority, as now hereafter constituted, and its duly authorized agents or representatives.
  - (8) Biochemical Oxygen Demand (BOD) – The quantity of oxygen required for the biological and chemical oxidation of water-borne substances under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and volume (milligrams per liter-mg/L). It shall be determined by one of the acceptable methods described in the current edition of “Standard Methods for the Examination of Water and Wastewater.”
  - (9) Categorical Standards – national Categorical Pretreatment Standards or Pretreatment Standard.
  - (10) Clean Water Act – means the Federal Water Pollution Control Act, as amended. (33 U.S.C.A., 1251 to 1387)
  - (11) Combined Sewer – shall mean a sewer designated to receive both sanitary sewage and storm water runoff, which has been approved for such purposes.
  - (12) Composite Sample – means a combination of individual samples (at least eight for a 24-hour period or four for an 8-hour period) of at least 100 milliliters each obtained at spaced time intervals during the compositing period. The composite must be flow-proportional; either the volume of each individual sample is proportional to discharge flow rates, or the sampling interval is proportional to the flow rates over the time period used to product the composite. For GC/MS volatile organic analysis a composite sample consists of at least four aliquots or grab samples collected during the sampling event (not necessarily flow proportioned). The samples must be combined in the lab immediately before analysis and then one analysis is performed.
  - (13) Cooling Water (Noncontact Cooling Water) – The water used for any air conditioning, cooling, or refrigeration purposes which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
  - (14) Current Edition of Standard Methods for the Examination of Water and Wastewater - published by the American Public Health Association, shall mean the latest edition published and current at the time the determination of any analysis required is to be made.
  - (15) Daily Average – the average of all measurements made, or the mean value plot of a continuous automated recording instrument, either during a calendar day or during the operating day if flows are of a shorter duration.
  - (16) Daily Maximum Discharge Limit – the highest allowable “daily discharge”.

- (17) Department of Environmental Protection (DEP) – shall mean the Pennsylvania Department of Environmental Protection, or where appropriate, the term may also be used as a designation for the Director or other duly authorized official of said agency.
- (18) Direct Discharge – The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
- (19) Environmental Protection Agency (EPA) – shall mean the U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (20) Executive Director - Director
- (21) Expansion – shall mean an increase in hydraulic capacity.
- (22) Federal Categorical Pretreatment Standard or Federal 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. 1347) which applies to industrial Users. This term includes national prohibitive discharge limits established pursuant to Section 403.5 of the General Pretreatment Regulations (40 CFR Part 403) and Pretreatment Standards for specific industrial categories (e.g. 40 CFR Chapter I, subpart N, Parts 405-471).
- (23) Garbage – shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (24) Grab Sample – A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a time period not to exceed fifteen minutes.
- (25) Holding Tank Waste – any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (26) Indirect Discharge – The discharge or the introduction of nondomestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the system).
- (27) Industrial User – A source of Indirect Discharge which does not constitute a “discharge of pollutants” under regulations issued pursuant to Section 402, of the Act.
- (28) Industrial Waste Permit – A discharge permit issued by the Authority pursuant to the requirements of Article IV of these Rules and Regulations.
- (29) Industrial Wastes – shall mean any liquid, gaseous or waterborne waste from industrial processes or commercial establishments as distinct from sanitary sewage.

- (30) Instantaneous Maximum – the highest allowable discharge of a concentration of a substance at any one time as measured by a grab sample.
- (31) Interference – shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal: and
  - (b) Therefore 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) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued hereunder (or more stringent State or local regulation): 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 any State regulation contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (32) Monthly Average Discharge Limit – the highest allowable average of “daily discharges” over a calendar month, calculated as the sum of all “daily discharges” measured during a calendar month divided by the number of “daily discharges” measured during that month.
- (33) Municipality – shall mean any one or more of the Townships of Fairview, Rice, or Wright.
- (34) National Pollution Discharge Elimination System (NPDES) Permit – A permit issued pursuant to Section 402 of the Act.
- (35) National Prohibitive Discharge Standard or Prohibitive Discharge Standard – Any regulation developed under the authority of 307 (b) of the Act and 40 CFR, Section 403.5.
- (36) New Source – shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, and construction of which is commenced after the publication of proposed Pretreatment Standards under Section 307 (c) of the Act which will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (a) The building, structure, facility or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) The production or wastewater generating processes of the building,

structure, facility or installation are substantially independent of an existing source at the same site. 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 activity as the existing source should be considered.

Construction on a site at which an existing source is located results in modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a), (b) or (c) of this section but otherwise alters, replaces or adds to an existing process or production equipment. Construction of a new source as defined under this section has commenced if the owner or operator has:

- (a) Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, grubbing, 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
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which is 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 definition.
- (37) Occupied Building – shall mean any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.
- (38) Owner – shall mean the person, firm, corporation or association having an interest as owner, or a person, firm, corporation or association representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is, or is about to be furnished sewage service by the Authority, and the word “Owners” means all so interested.
- (39) Pass-Through – shall mean a discharge which exits the POTW into navigable 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).
- (40) Person – Any individual, partnership, co-partnership, firm,

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

- (41) pH – Shall mean the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per Liter. It shall be determined by one of the acceptable methods described in the Current Edition of “Standard Methods for the Examination of Water and Wastewater”.
- (42) Pollutant – any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (43) Pollution – The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (44) POTW Treatment Plant – The portion of the POTW designed to provide treatment to wastewater.
- (45) Premises – shall mean the property or area including the improvements thereon, to which sewage service is or will be furnished, and as used herein shall be taken to designate:
  - (a) A building under one roof, owned or leased by one customer, in one common enclosure, occupied by one organization, corporation or firm as a place of business or for manufacturing or industrial purposes.
  - (b) A group or combination of buildings owned by one customer, in one common enclosure, occupied by one organization, corporation or firm as a place of business or for manufacturing or industrial purposes.
- (46) PTC – Mountaintop Area Joint Sanitary Authority’s Pretreatment Coordinator.
- (47) Pretreatment or Treatment – The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes; or process changes and other means, except as prohibited by 40 CFR Section 403.6(d).
- (48) Pretreatment Requirements – any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial User by the Federal, State, or local pretreatment authorities.
- (49) Properly Shredded Garbage – shall mean the wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles will be carried freely under the flow conditions

normally prevailing in public sewers, with no particle greater than one-half inch in any dimension.

- (50) Publicly Owned Treatment Works (POTW) – shall mean all separate sanitary sewers, all combined sewers, all sewage pumping stations, all sewage treatment works, and all other sewerage facilities owned and operated by the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extensions, or improvements thereto that may be made by the Authority. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the Authority's sewage treatment facilities.
- (51) Sanitary Sewage – shall mean the normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water, groundwater and industrial wastes.
- (52) Sanitary Sewer – means a sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface and groundwater are not intentionally admitted.
- (53) Sewage – shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial and commercial establishments, together with such ground, surface or storm water as may be present.
- (54) Sewer – shall mean a pipe or conduit for carrying sewage or other waste liquids.
- (55) Shall – is mandatory; May – is permissive.
- (56) Significant Industrial User – Any Industrial User who: (a) is subject to any Federal Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N; or (b) discharges an average flow of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or (c) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (d) is designated as such by the Authority, the EPA or the Pa-DEP on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (57) Slug Load or Slug – any discharge at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Article III of these rules and regulation. Any discharge of a non-routine, episodic nature including but not limited to an accidental spill

or a non-customary batch discharge, which has reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

- (58) 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.
- (59) State – Commonwealth of Pennsylvania.
- (60) Storm Sewer – shall mean a sewer which is intended to carry storm water runoff, surface water, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or industrial waste.
- (61) Storm Water – Any flow occurring during or following any form of natural precipitation and resulting there from.
- (62) Storm Water Runoff – shall mean that portion of the rainfall which reaches a drain.
- (63) Surcharge – a fee paid the Authority based on the cost of treating wastewater containing pollutant concentrations over and above the concentrations of typical household sanitary sewage discharge.
- (64) Surcharge Action Levels – Limits imposed by the Authority in an Industrial User's discharge permit, that if exceeded, cause the amounts of the surcharge to increase as prescribed by the Authority in the User's discharge permit. It is when these levels are exceeded that enforcement actions may be necessary.
- (65) Surcharge Prohibited Levels – Limits imposed by the Authority in an Industrial User's discharge permit to protect going over the Maximum Allowable Industrial Loadings of pollutants at the treatment plant headworks.
- (66) Suspended Solids – shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the current edition of "Standard Methods for the Examination of Water and Wastewater".
- (67) Township – shall mean, Fairview, Rice and/or Wright Townships, political subdivisions of Luzerne County and the Commonwealth of Pennsylvania.
- (68) Toxic Pollutant – any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.
- (69) Treatment Works – any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implements Section 201 of Public Law 92-500, 33 U.S.C., or necessary to recycle or reuse water

at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extension improvements, remodeling, additions, and alterations thereof; elements essential to provide a reliable recycled supply such as standby treatment units and clear water facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residuals resulting from each treatment; or any other method or system for preventing, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (70) Upgrading – An increase in the level of treatment provided to improve the quality of the effluent water.
- (71) Upset – Any exceptional incident in which there is unintentional and temporary noncompliance with Federal Categorical Pretreatment Standards or local standards adopted pursuant to these Rules and Regulations because of factors beyond the reasonable control of the Industrial User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation.
- (72) User – Any person, who contributes, causes or permits the contribution of wastewater into the Authority’s POTW.
- (73) Wastewater – The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed to or permitted to enter the POTW.
- (74) Watercourse – shall mean any channeling where a flow of water occurs, either continuously or intermittently.
- (75) Waters of the State – All streams, lakes, ponds, marshes, water courses, 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.

## Abbreviations

2.02 The following abbreviations shall have these designated meanings:

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DEP	Department of Environmental Protection
EPA	Environmental Protection Agency
L	Liter
Mg	Milligrams
Mg/L	Milligrams per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
PTC	Pretreatment Coordinator
SIC	Standards Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. Seq.
USC	United States Code
TSS	Total Suspended Solids

**ARTICLE 3**  
**REGULATION OF WASTEWATER DISCHARGES**

**General Discharge Prohibitions**

- 3.01 The discharge of excessive amounts of unpolluted water or waste to the public sanitary sewerage system is expressly prohibited. The Authority reserves the right to define the amount it deems excessive in each particular situation.
- 3.02 The discharge of any garbage to the public sanitary sewerage system is expressly prohibited unless the garbage has first been properly shredded by a garbage grinder or garbage disposal device.
- 3.03 No User shall contribute or cause to be contributed, directly or indirectly, any pollutants that will pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions apply to all such Users of the POTW whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements. A User may not contribute the following substances to the POTW:
- 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 any other substances, to create a fire or explosion hazard in the POTW, including, but not necessarily limited to, any wastestreams, with a closed-cup flashpoint of less than 140 ° Fahrenheit or 60 °Centigrade using the test methods specified in 40 CFR Section 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the public sewer 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. Restricted materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Authority, the DER or EPA deem to pose a fire or explosion hazard.
  - B. Any solid or viscous substances which may cause obstruction to the flow in a sewer, cause mechanical action which will destroy the sewer structures, or in the opinion of the Authority may cause other interference with the operation of the POTW including, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshing, 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 containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, 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 POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.
- D. Any noxious or malodorous liquid, gas, or solid which either singly or by interaction with other wastes is, in the opinion of the Authority, sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for their maintenance and repair.
- E. Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW 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 Substance Control Act, or State criteria applicable to the sludge management method being used.
- F. Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards for the Big Wapwallopen Creek.
- G. Any wastewater containing dyes, paints, pigments, inks, etc., or other agents which are not removed by the treatment process, and are in sufficient quantity to add any coloration above that of normal sewage, or cause objectionable color.
- H. Any wastewater having a temperature in excess of 60 °C or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater that causes the temperature of the wastewater at the point of introduction into the POTW treatment plant to exceed 40 °C.
- I. Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference to the POTW. Where the Authority deems it advisable, it may require any person discharging industrial wastes to utilize flow equalization or restricted discharge rates to prevent potential slug loading problems such as in the case of batch discharges.
- J. Any wastewater containing any radioactive waters or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulation.
- K. Any wastewater containing gases or vapors either free or occluded, in concentrations that may cause a hazard to human life or create a public nuisance.

- L. Any wastewater having a pH lower than 6.0 or higher than 10.5 measured for a period of 15 minutes or more, or having any other corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the POTW. Where the Authority deems it advisable, it may require any person discharging industrial wastes to install and maintain at his own expense, in a manner approved by the Authority, a suitable device to continuously measure and record the pH of the wastes so discharged.
  - M. Any wastewater containing petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through, or wastewater containing more than 100 mg/L of fat, oil and grease.
  - N. Any wastewater containing insoluble, nonflocculent substances having a specific gravity in excess of 2.65, or soluble substances in such concentrations as to cause the specific gravity of the water to be greater than 1.1.
  - O. Any wastewater or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
  - P. Any wastewater containing more than 10.0 parts per million of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.
  - Q. Any trucked or hauled wastewater or pollutants, except at a discharge point(s) designated by the Authority.
  - R. Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, Noncontact Cooling Water, and unpolluted wastewater, unless specifically authorized by the PTC.
  - S. Sludges, screenings, or other residues from the pretreatment of industrial wastes.
  - T. Medical Wastes, except as specifically authorized by the PTC in an individual wastewater discharge permit.
  - U. Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity testing.
  - V. Detergents, surface-active agents, or other substances that might cause excessive foaming in the POTW.
- 3.04 When the Authority determines that a User is contributing any of the above substances to the POTW in such amounts that will pass through or interfere with the operation of the POTW, the Authority shall: (1) advise the User of the impact of the contribution on the POTW; (2) develop specific effluent limitations(s) for such User to correct the interference with the POTW; and / or (3) initiate appropriate enforcement action against the User pursuant to the provisions of Article VII of these Rules and Regulations.

### Specific Pollutant Limitations

3.05 No person shall discharge any wastewaters containing any of the following substances in solution, without prior approval of the Authority. The Authority has conducted a Headworks Loading evaluation and determined the Maximum Allowable Industrial Loadings (MAIL) for the substances listed below. Maximum Daily:

Substance	MAIL* Limit (pounds/day)
Arsenic	0.1786
Cadmium	0.000007
Chloride	4,512
Chromium	5.1791
Chromium (VI)	0.2803
Copper	0.3407
Cyanide (Free)	0.4466
Detergents	1,950
Fluoride	54.22
Iron	0.7868
Lead	0.0806
Manganese	55.63
Mercury	0.0033
Molybdenum	0.2650
Nickel	1.2412
Selenium	0.2449
Silver	0.1048
Sulfate	6,281
Zinc	1.1815

\* MAIL includes a 10% Safety Factor.

Or any other elements which will, in the opinion of the Authority, damage collection facilities or otherwise be detrimental to the treatment processes. The limits set forth above may be amended from time to time as deemed necessary by the Authority to protect the facilities and ensure the POTW's compliance with applicable NPDES Permit conditions and water quality standards. The Authority reserves the right to impose mass limitations and/or concentration limitations for any pollutant where it deems necessary.

### Special Agreements

3.06 No statement contained in these Rules and Regulations shall be construed as prohibiting any special agreement or arrangement between the Authority and any person or Industrial User whereby an industrial waste of unusual strength or character may be discharged to the POTW by the User, provided the objectives of

the General Pretreatment Regulations are fulfilled. Similar to any other requirements imposed under these Rules and Regulations, the provisions of such special agreement will be superseded by any more stringent requirements of any applicable Federal Categorical Pretreatment Standard.

### **Federal Categorical Pretreatment Standards**

3.07 Users must comply with the categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471.

- When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the PTC shall impose an alternate limit in accordance with 40 CFR 403.6(e).

3.08 Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Rules and Regulations. The Authority shall notify all affected Users of the applicable Federal Standards and the applicable reporting requirements under 40 CFR, Section 403.12, such as the Baseline Monitoring Report.

### **Modification of Federal Categorical Pretreatment Standards**

3.09 Where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Removal" shall mean a reduction in the amount of a pollutant or an alteration of the nature of a pollutant in the influent to the POTW to a less toxic or harmless state in the effluent. Consistent removal shall mean the average of the lowest 50 percent of the removals measured according to the procedures set forth in Section 403.7(b)(2) of Title 40 of the code of Federal Regulation, Part 403 – "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Authority may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

### **State Requirements**

3.10 State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those imposed under these Rules and Regulations.

## **Right of Revision**

- 3.11 The Authority reserves the right to establish, by supplemental Rules and Regulations or individual wastewater discharge permits, more stringent limitations or requirements on discharges to the POTW if deemed necessary and consistent with the purpose of this ordinance.

## **Dilution**

- 3.12 No User shall ever increase the use of process water or cooling water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical pretreatment Standards, or in any other specific pollutant limitation developed by the Authority or State.

## **Accidental Discharges**

- 3.13 Each User shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge/slug discharge of prohibited materials shall be provided and maintained at the owner or User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. All existing Users shall complete and submit such a plan within 90 days after the effective date of these Rules and Regulations. No User who commences contribution to the POTW after the effective date of these Rules and Regulations shall be permitted to introduce pollutants into the system until accidental discharge/slug discharge procedures have been approved by the Authority.

An accidental discharge/slug discharge control plan shall address, at a minimum, the following:

- A.) Description of discharge practices, including non-routine batch discharges;
- B.) Description of stored chemicals;
- C.) Procedures for immediately notifying the Authority of any accidental or slug discharge as required by Section 3.14 of these Rules and Regulations;
- D.) Procedures to prevent adverse impact from any accidental or Slug Discharge. Such procedures include, but are not limited to, inspection and maintenance of storage area, handling and transfer of materials, loading and unloading operations, control of the plant site runoff, worker training, building of containment structures or equipment, measures and equipment for emergency response.

- 3.14 All Industrial Users, whether permitted or not, shall immediately telephone and notify the Authority of all accidental spills, slug discharges, or other discharges that could cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume of waste, and any mitigating and/or corrective actions taken. Upon request by the Authority the Industrial User shall also prepare and submit to the authority within five days after such notice a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent any similar occurrences in the future. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Ordinance or other applicable law.
- 3.15 A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

**ARTICLE 4**  
**ADMINISTRATION OF INDUSTRIAL WASTE PERMITS**

**Permit Requirements**

- 4.01 It shall be unlawful for any existing Industrial User within the Authority's sewer service area to discharge any wastewater to the POTW without an Industrial Waste Permit authorized by the Authority in accordance with the provisions of these Rules and Regulations.
- 4.02 All Industrial Users proposing to connect to or to contribute to the Authority's POTW shall obtain an Industrial Waste Permit before connecting to or contributing to the POTW.

**Permit Application**

- 4.03 Users required to obtain an Industrial Waste Permit shall complete and file with the Authority, a permit application in the form prescribed by the Authority, and accompanied by an application fee according to the fee schedule adopted by the Authority. Under the provisions of Paragraph 5.02 of these Rules and Regulations, the Authority reserves the right to assess additional charges and fees to cover any reasonable costs incurred by the Authority in reviewing and processing the permit application.
- 4.04 Dependent upon existing permit/contract stipulations, existing Significant Industrial Users may need to apply for an Industrial Waste Permit within 90 days after the effective date of these Rules and Regulations and written notification from the Authority that the User must obtain said permit.
- 4.05 Proposed new Users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the permit application, the User shall submit, in units and terms appropriate for evaluation, the following information wherever possible:
- A. Name, address, location of facility, including the name of the operator and owner. Also pertinent contact information;
  - B. SIC number according to the Standard Industrial Classification Manual, as amended;
  - C. Wastewater constituents and characteristics including but not limited to those mentioned in Article III of these Rules and Regulations as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained in 40 CFR, Part 136, as amended;
  - D. Time and duration of contribution;

- E. Average daily and three minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- F. Site plans, floor plans, mechanical and plumbing plans or sketches to approximate scale and sufficient detail to show all sewers, sewer connections, and appurtenances by the size, location, and elevation;
- G. Description of activities, facilities and plant processes on the premises including a list of all toxic pollutants and pollutants prohibited or regulated by these Rules and Regulations which are or could potentially be discharged to the POTW;
- H. Where known, the nature and concentration of any pollutants in the discharge which are limited by any Authority, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards;
- I. Where the Standards require compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable Standards to determine compliance with the Standard;
- J. If additional pretreatment and/or operation and maintenance procedures will be required to meet the Pretreatment Standards, the User shall submit the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;

The following conditions shall apply to this schedule:

- (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 User to meet the applicable Pretreatment Standards (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 paragraph (1) above shall exceed nine months.
- (3) No later than 14 days following each date in the schedule and the final date for compliance, the 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 User to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Authority.

- K. Each product produced by type, amount, process or processes and rate of production;
  - L. Type and amount of raw materials processed (average and maximum per day); including all Material Safety Data Sheets;
  - M. The location for monitoring all wastes covered by the permit;
  - N. The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
  - O. Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
  - P. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.
- 4.06 Application Signatories and Certifications: All wastewater discharge permit applications must be signed by an Authorized Representative of the User and contain the certification statement in Section 4.25.
- 4.07 The Director, or authorized representative, of the Authority shall review the permit application for completeness within 60 days of its receipt and notify the applicant in writing as to whether the application is considered complete or incomplete. If the application is incomplete, the Director shall specify the additional information that is required to complete the application and a date for submitting the necessary information. After an application is completed, the Director may still request additional information but only to clarify, modify or supplement the previously submitted material. If the Director deems it necessary, a site visit may be scheduled with the applicant to assist the Director in evaluating the application. Failure or refusal to correct deficiencies in the application within a reasonable time schedule may be cause for permit denial and appropriate enforcement action as per Article 7 of these Rules and Regulations.
- 4.08 The Director shall issue a draft Industrial Waste Permit or notice of intent to deny a permit within 60 days after receipt of the completed application. The applicant shall be given a minimum 30 day period to review and comment on the proposed permit or permit denial. Upon request, the Director shall schedule an informal meeting with the applicant to review the draft permit or proposed permit denial action. In the event that the applicant and the Director cannot come to an agreement on the draft permit or permit denial, the applicant may request a formal meeting before the Authority Board to appeal the permit denial or specific provisions of the draft permit. A request for an appeal must be submitted in writing to the Board within 30 days after the informal meeting with the Director. The request shall clearly state the specific action or provision(s) being appealed and the grounds for the appeal. Within 30 days after the close of the applicant's review period or the appeal meeting, if the applicant is approved, the Authority shall issue a final Industrial Waste Permit.

## **Permit Modification**

4.09 As soon as possible, after the promulgation of a Federal Categorical Pretreatment Standard, the Industrial Waste Permit of Users subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Within 180 days after the effective date of the applicable Federal Categorical Pretreatment Standard, any User which has not previously submitted an application for an Industrial Waste Permit, as required by Article 4, entitled Permit Application, of these Rules and Regulations, shall submit to the Authority an application for an Industrial Waste Permit and a Baseline Monitoring Report as required by 40 CFR, Part 403, Section 403.12(b). Within 180 days after the effective date of the applicable Federal Categorical Standard, any User with an existing Industrial Waste Permit shall submit to the Authority a Baseline Monitoring Report including the information required by Paragraph 4.05 (H) and (I) of these Rules and Regulations.

## **Permit Conditions**

- 4.10 Industrial Waste Permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, User charges and fees established by the Authority. Permits may contain, but are not limited to, the following requirements:
- A. A statement that indicates the permit issuance date, expiration date and effective date;
  - B. A statement of nontransferability without prior notification and acceptance from the Authority;
  - C. Unit charges or a schedule of User charges and fees for the management of wastewater discharged to the POTW;
  - D. Limits on the average and maximum wastewater constituents and characteristics;
  - E. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
  - F. Requirements for installation and maintenance of inspection and sampling facilities;
  - G. Specifications for monitoring programs which may include: sampling locations, frequency of sampling, number, types, standards for tests, and a reporting schedule;
  - H. Compliance schedules; however, it must be noted that no such compliance schedule shall exempt an Industrial User from further enforcement action for failure to meet a compliance date for any applicable Federal Pretreatment Standards;
  - I. Requirements for submission of technical reports or discharge reports (See Paragraph entitled Reporting Requirements of these Rules and Regulations);

- J. Requirements for maintaining and retaining plant records relating to the wastewater discharge as specified by the Authority, and affording the Authority access thereto;
- K. Requirements for prior notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system.
- L. Requirements for notification of slug or accidental discharges as per Sections 3.13 – 3.14 of this Ordinance, and developing and implementing a Slug Discharge Control Plan.
- M. Requirements for compliance with all applicable Federal Categorical Pretreatment Standards, BMPs if applicable, and other reporting requirements;
- N. Requirements for submitting to the Authority all available sampling and monitoring data conducted in accordance with 40 CFR Part 136 procedures;
- O. Requirements for developing and implementing a Spill Prevention and Control Plan and use of best management practices (BMPs) to prevent spills or accidental discharges from entering the public sanitary sewerage system;
- P. A statement that compliance with the individual wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit;
- Q. A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule; and/or
- R. Other conditions as deemed appropriate by the authority to ensure compliance with these Rules and Regulations.

### **Permit Duration**

4.11 Permits shall be issued for a specified time period, not to exceed 5 years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the Authority during the term of the permit if the limitations or requirements identified in Article III are modified or other just cause exists. The User shall be informed of any proposed changes in their permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

### **Permit Renewal**

4.12 A User with a currently effective permit shall submit a new permit application to the Authority no later than 180 days before the expiration date of the existing permit,

unless permission for a later date has been granted by the MAJSA. The terms and conditions of the existing permit shall remain fully effective and enforceable until the effective date of a new permit, provided the permittee has properly submitted a complete application for permit renewal within the specified time period, and the Authority has not revoked the existing permit or denied the permit renewal in accordance with the provisions of these Rules and Regulations.

### **Permit Transfer**

- 4.13 Industrial Waste Permits are issued to a specific User for a specific operation. A permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation without the prior written approval of the Authority. The Permittee shall notify the succeeding owner or controller of the existence of this Permit by certified letter, a copy of which shall be forwarded to the Authority, at least 60 days prior to completing any such transfer. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit until such time that a new permit is issued by the Authority.

### **Reporting Requirements**

- 4.14 REPORTS OF POTENTIAL PROBLEMS: ALL IUs: 40 CFR 403.17: 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 PTC, or assigned designate, 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. Within 5 days following such discharge, the User shall, unless waived by the PTC or assigned designate, submit a detailed written report describing the cause(s) of the discharge and the measure 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 ordinance. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure by way of a permanent posting in a prominent, appropriate area.
- 4.15 NONCOMPLIANCE VIOLATION: ALL IUs: 40 CFR 403.12 (g)(2): All Industrial Users shall notify the PTC within 24 hours of becoming aware of a violation, based on the sampling performed by the Industrial User. In addition, the Industrial User shall also repeat the sampling and analysis for the pollutant parameter in noncompliance and submit the results of the repeat analysis to the PTC

within 30 days after becoming aware of the violation. Repeat sampling must be conducted until the off-spec parameter(s) return to acceptable level(s).

- 4.16 CHANGED DISCHARGE: ALL IUs: 40 CFR 403.12(j): All Industrial Users, whether permitted or not, shall promptly notify the PTC in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the Industrial User has submitted an initial notification under Section 403.12(p) of 40 CFR part 403. For the purposes of this requirement, substantial changes include, but are not limited to, flow increases of 10% or greater, and the discharge of any previously unreported pollutants. Formal written notification shall be submitted to the Authority at least 60 days prior to any introduction of any new pollutants so that permit requirements can be established as necessary. The Authority reserves the right to deny or place conditions on any new or increased contributions to its sewer system.
- 4.17 HAZARDOUS WASTE DISCHARGE: ALL IUs: 40 CFR 403.12(p): All industrial Users, whether permitted or not, shall notify the Authority, the U.S. EPA, and the Pennsylvania DEP in writing 60 days prior to the discharge of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with the requirements of Section 403.12(p) of 40 CFR Part 403. At a minimum, such notification must include the name of the listed or characteristic hazardous waste, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The Industrial User shall also notify the Authority in writing, at least 60 days in advance, of any substantial change in the volume or character of any listed or characteristic hazardous wastes discharged for which the permittee has submitted initial notification under Section 403.12(p). The Authority reserves the right to deny any new contributions to its sewer system.
- 4.18 BASELINE MONITORING REPORT: CIUs ONLY: 40 CFR 403.12 (b)(1-7): Within 180 days after the effective date of any Categorical Pretreatment Standard now or later promulgated by the U.S. EPA, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR Section 403.6(a)(4), whichever is later, any Industrial User subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit, to the Authority, a Baseline Monitoring Report (BMR) containing the information listed in paragraphs (b)(1) through (b)(7) of 40 CFR Section 403.12 at least 90 days prior to commencement of any discharge. New Sources, and any sources that become Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Authority a Baseline Monitoring Report which contains the information listed in paragraphs (b) (1) through (b) (7) of 40 CFR Section 403.12 and information on the method of pretreatment the source intends to use to meet the applicable Pretreatment Standards.

- 4.19 90-DAY COMPLIANCE REPORT: CIUs OLY: 40 CFR 403.12 (d): Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any Industrial User subject to Pretreatment Standards and Requirements shall submit to the Authority a 90-day Compliance Report containing the information described in paragraphs (b) (4) through (b) (6) of 40 CFR Section 403.12. For Industrial Users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period.
- 4.20 PERIODIC COMPLIANCE REPORTS: CIUs ONLY: 40 CFR 403.12(e): Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Authority, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Authority, a periodic compliance report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows during the reporting period. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports must be submitted. For Industrial Users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a reasonable measure of the User's long-term production rate. For all other Industrial Users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation) this report shall include the User's actual production during the appropriate sampling period.
- 4.21 PERIODIC COMPLIANCE REPORT: NON-CAT SIUs: 40 CFR 403.12 (h): All Noncategorical Significant Industrial Users (SIUs) shall submit to the Authority at least once every six months (on dates specified by the Authority), unless required more frequently by the Authority, a periodic compliance report describing the nature, concentration, and flow of the pollutants discharged to the POTW and any other information deemed appropriate by the Authority.
- 4.22 COMPLIANCE SCHEDULE (PROGRESS) REPORTS: ALL IUs: 40 CFR 403.12 (c)(1-3) The following conditions shall apply to compliance schedules and Compliance Schedule Progress Reports: The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required

for the User to meet the applicable pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation). No increment referred to above shall exceed 9 months and in no case will the schedule exceed 2 years. The User shall submit a progress report to the PTC no later than 14 days following each milestone dated in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule. In no event shall more than 9 months elapse between such progress reports to the PTC.

4.23 **REPORTS FROM UNPERMITTED USERS:** All Users not required to obtain an individual wastewater discharge permit shall provide appropriate reports to the PTC as the PTC may require.

4.24 **SIGNATURE OF AUTHORIZED REPRESENTATIVE:** The Baseline Monitoring Report, 90-day Compliance Report and periodic compliance reports that must be submitted by categorical Industrial Users shall be signed by an Authorized Representative of the Industrial User defined as: a corporate officer if the Industrial User is a corporation, a general partner or proprietor if the Industrial User is a partnership or sole proprietorship, or a duly authorized representative of the above specified persons if such authorization is in writing, submitted to the Authority and specifies a person or position having overall responsibility for the facility where the discharge originates or having overall responsibility of environmental matters for the facility.

4.25 **SIGNATORY STATEMENT:** All Baseline Monitoring Reports, 90-day Compliance Reports and periodic compliance reports from both Categorical and Noncategorical Industrial Users shall be signed by an Authorized Representative of the Industrial User as defined in this Ordinance and include the following certification statement:

“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 directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Also included should be a statement, reviewed and signed by the Authorized Representative, and certified to by a qualified professional, indicating whether Pretreatment Standards, or BMP if applicable, are being met on a consistent

basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the Industrial User to comply with the applicable Pretreatment Standards and Requirements.

- 4.26 **SAMPLING FOR REPORTING PURPOSES:** The Baseline Monitoring Reports, 90-day Compliance Reports and periodic compliance reports from both Categorical and Noncategorical Industrial Users shall be based upon sampling and analyses of the discharge, including the flow or production and mass where requested by the Authority, performed during the period covered by the report. All sampling and analyses shall be representative of normal work cycles or production levels and the expected pollutant discharges to the POTW. All techniques shall be in accordance with the procedures and standards described in 40 CFR Part 136 and amendments thereto. Where 40 CFR part 136 does not include sampling or analytical techniques for the pollutant in question, or where the EPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other persons, approved by the EPA Administrator.
- 4.27 **ADDITIONAL SAMPLING REPORTING:** If a User subject to reporting requirements monitors any regulated pollutant at the appropriate sampling location more frequently than required by the PTC, using the procedures prescribed by the CFR, the results of that monitoring must be included in the appropriate report.
- 4.28 **SAMPLE COLLECTION:** Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. Except as indicated in Section B and C below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the PTC. Where time-proportional composite sampling or grab sampling is authorized by MAJSA, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics, oil, and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by MAJSA, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits. Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of 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 PTC may authorize a lower minimum.

- 4.29 **ANALYTICAL REQUIREMENTS:** All pollutant analyses and sampling techniques shall be performed in accordance with 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If it does not contain sampling or techniques for the pollutant in question, or where the EPA determines that Part 136 is inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable procedures, including procedures suggested by the PTC or other parties approved by the EPA.
- 4.30 **DATE OF RECEIPT OF REPORTS:** Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage prepaid, into a mail facility serviced by the United States Posts Service, the date of receipt of the report shall govern.
- 4.31 **RECORDKEEPING:** Users shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this ordinance, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best management Practices. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the User or MAJSA, or where the User has been specifically notified of a longer retention period by the PTC.

### **Permit Modifications**

- 4.32 The PTC may modify an individual wastewater discharge permit for good cause, including, but not limited to, the following:
- To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements; (Within 180 days after the effective date of a newly promulgated Federal Categorical Pretreatment Standard, any newly affected User shall submit an application for a permit and a BMR. Any existing Users currently holding a permit shall submit a BMR and the information required by Paragraph 4.05 (H) and (I).
  - To address significant alterations or additions to the User's operation,

processes, or wastewater volume or character since the time of the permit issuance;

- A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
- Violation of any terms or conditions of the individual wastewater discharge permit;
- Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
- Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13;
- To correct typographical or other errors in the individual wastewater discharge permit; or
- To reflect a transfer of the facility ownership or operation to a new owner or operator where requested.

### **Monitoring Facilities**

- 4.33 When required by the Authority, an Industrial User shall install a suitable manhole or manholes on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Alternate monitoring facilities or arrangements may be acceptable to the Authority under certain conditions and will be considered on a case-by-case basis. Such manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority. The monitoring facilities shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible to the Authority or its authorized representative at all times.
- 4.34 There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities that the User is required to install shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- 4.35 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 180 days following written notification by the Authority.
- 4.36 Monitoring facilities shall be supervised by the User to ensure that all procedures, sampling requirements, and maintenance are done in accordance to all guidelines of the Federal, State, or Local Pretreatment Program requirements. When the proper procedures, sampling requirements, or maintenance are not maintained, the Authority has the right to make decisions or enforce changes to bring the User into compliance.

## **Inspection and Sampling**

4.37 The Authority shall inspect the facilities of any User to ascertain whether the purpose of these Rules and Regulations is being met and all requirements are being complied with. Users, persons, or occupants of premises that are connected to the sewer system, where wastewater is created or discharged shall allow the Authority or their representative(s) ready access at all reasonable times to all parts of the premises necessary for the purpose of inspecting, sampling, records examination (including the right to inspect and copy records) or in the performance of any of their duties. The right of access for inspection shall extend to, but not necessarily be limited to, production areas or other premises where wastewater discharges are generated, chemical storage areas, hazardous waste storage areas, any pretreatment facilities, and any sampling and monitoring equipment or facilities. The Authority 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 into their premises, the User shall make necessary arrangements with their security guards such that upon presentation of suitable identification, personnel from the Authority, designated representatives of the authority, and/or Approval Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

## **Search Warrants**

4.38 If the PTC has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of MAJSA designed to verify compliance with this ordinance or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the PTC may seek issuance of a search warrant from the appropriate Court in the State of Pennsylvania.

## **Pretreatment**

- 4.39 Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations.
- 4.40 Existing sources shall comply with Categorical Pretreatment Standards within three years of the date the Standard is effective, unless a shorter compliance time is specified in the applicable Standard.

- 4.41 New Sources shall install and have in operating condition, and shall “start-up” all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge to the POTW. Within the shortest feasible time (not to exceed 90 days), new Sources must meet all applicable Pretreatment Standards.
- 4.42 Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User’s expense. All laboratory testing to ensure compliance are the responsibility of the Industrial User. 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 and approval of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the User’s initiation of the changes.
- 4.43 Whenever deemed necessary, MAJSA may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User’s compliance with the requirements of this ordinance.
- 4.44 MAJSA may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow.
- 4.45 Grease, oil, and sand interceptors shall be provided when, in the opinion of the PTC, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for Residential Users.

#### **Significant Noncompliance Publication**

- 4.46 The Authority shall annually publish in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by MAJSA, a list of the Industrial Users which, at any time during the previous twelve months, were in Significant Noncompliance with applicable pretreatment requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates (C), (D), or (H) of this section). For the purposes of this provision, an Industrial User is in significant noncompliance if its violation meets one or more of the following criteria:

- A. Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter, taken during a 6-month period, exceed (by any magnitude) a numeric Pretreatment Standard or Requirement including Instantaneous Limits.
- B. Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all measurements taken for each pollutant parameter, taken during a 6-month period, equal or exceed the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and TRC = 1.2 for all other pollutants except pH);
- C. Any other violation of a pretreatment standard or requirement (daily maximum or long-term average, instantaneous limits, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);
- D. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare, or to the environment or has resulted in the Authority's exercise of its emergency authority under section 7.16-7.18 of this Ordinance to halt or prevent such discharge.
- E. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- F. Failure to provide, within 45 days after the due date, required reports such as Baseline Monitoring Reports (BMRs), 90-day compliance Reports, periodic Self-monitoring Reports, and reports on compliance with compliance schedules;
- G. Failure to accurately report noncompliance; or
- H. Any other violation or group of violations, which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

### **Confidential Information**

- 4.47 All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Pa-DEP upon request.
- 4.48 Information and data on a User obtained from reports, questionnaires, permit applications, permits, monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests and is able to demonstrate to the satisfaction of the Authority

that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.

- 4.49 When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the general public but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the State Disposal System provided, however, that such portions of a report shall be available for use by 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.

### **Records Retention**

- 4.50 Users subject to the reporting requirements of this ordinance shall retain, preserve, and make available for inspection and copying, any record books, documents, memoranda, reports correspondence and any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or on behalf of a User in connection with its discharge. Records shall include the date, exact place, method, and time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses, the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least 3 years. This period shall be automatically extended for the duration of any litigation concerning the User or Authority, or where the User has been specifically notified of a longer retention period by the Pretreatment Coordinator.

## **ARTICLE 5 FEES**

### **Purpose**

5.01 The purpose of this Article is to provide for the recovery of costs from Industrial Users of the Authority's wastewater disposal system for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees.

### **Charges and Fees**

5.02 The Authority may adopt charges and fees which may include:

- A. Fees for reimbursement of the costs of setting up and operating the Authority's Pretreatment Program;
- B. Fees for compliance monitoring, inspections and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statements submitted by Users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for permit applications including the cost of processing such applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the Authority's POTW) of pollutants;
- G. Fees to recover administrative and legal costs associated with the enforcement activity taken by the Authority to address Industrial User noncompliance; and
- H. Other fees as the Authority may deem necessary to carry out the requirements contained herein.

5.03 Fees listed in this section relate solely to the matters covered by these Rules and Regulations and are separate from all other fees chargeable by the Authority, including Article 6 of these Rules and Regulations on industrial waste surcharges, and the MAJSA General Rules and Regulations governing Sewage Service of 1973, as amended.

**ARTICLE 6**  
**ADJUSTMENTS FOR CERTAIN HIGH CONCENTRATION**  
**INDUSTRIAL/COMMERCIAL WASTES**

**General**

6.01 The Mountaintop Area Joint Sanitary Authority has determined that when the concentration of the following named parameters are over and above the concentrations of typical household sanitary sewage discharge the permitted discharger shall be required to pay an adjusted fee to the Authority based on a monthly average discharge. Such adjustments shall be in addition to the regular sewage collection; transportation and treatment charges set forth in the prevailing Sewer Rate of the Rules and Regulations.

**High Concentration Wastewater Sampling**

6.02 The strength of any industrial/commercial waste, the discharge of which is to be subject to an adjustment fee, shall be determined quarterly or more frequently if the Authority deems necessary, from samples taken either at the manhole or any other sampling point mutually agreed upon by the Authority and the producer of such waste. The frequency and duration of the sampling period shall be such that it, in the opinion of the authority, will permit a reasonably reliable determination of the average composition of such waste, exclusive of storm water runoff. Samples shall be collected or their collection supervised by a representative of the Authority and shall be in proportion to the flow of waste, exclusive of storm water runoff, and composited for analysis in accordance with the Current Edition of "Standard Methods for the Examination of Water and Wastewater". Testing shall be performed by a NELAC accredited laboratory. Except as hereinafter provided, the strength of the waste so found by analysis shall be used for establishing the treatment fee adjustment(s). However, the Authority may, if it so elects, accept the results of routine sampling and analyses by the producers of such wastes in lieu of making its own samplings and analyses. The expense of high concentration wastewater sampling shall be the responsibility of the Industrial/Commercial User.

**BOD Adjustment Rate**

6.03 In the event any waste is found, by the Authority, to have a BOD5 in excess of 250 milligrams per Liter, the producer of said waste shall pay an adjusted rate of \$1.04 per pound.

**Suspended Solids Adjustment Rate**

6.04 In the event any waste is found, by the Authority, to have an average suspended solids concentration in excess of 250 milligrams per Liter, the producer of such

waste shall pay an adjusted rate of \$0.19 per pound.

### **Total Nitrogen Adjustment Rate**

6.05 In the event any waste is found, by the Authority, to have an average total nitrogen concentration in excess of 40 milligrams per Liter, the producer of such waste shall pay an adjusted rate of \$2.63 per pound.

### **Total Phosphorous Adjustment Rate**

6.06 In the event any waste is found, by the Authority, to have an average total phosphorus concentration in excess of 7 milligrams per Liter, the producer of such waste shall pay an adjusted rate of \$2.02 per pound.

### **Adjusted Rates Due and Payable**

6.07 The adjusted rates provided for in this Article shall be added to the regular sewerage service charge and any other User charges imposed by the Authority under the prevailing Sewer Rate of these Rules and Regulations. The adjustments shall be due at the same time and subject to the same late payment penalties and delinquency remedies established by the Authority for regular sewerage service charges.

### **Credits**

6.08 Additionally, the Authority has developed the following policy on credits for the named parameters for all Categorical or Significant Industrial Users:

For BOD, if the monthly average concentration is less than 25 mg/L, the standard user fee per EDU shall be reduced by 30% (currently a savings of \$10.50/EDU/month).

For TSS, if the monthly average concentration is less than 30 mg/L, the standard user fee per EDU shall be reduced by 9% (currently a savings of \$3.15/EDU/month).

For TN, if the monthly average concentration is less than 6 mg/L, the standard user fee per EDU shall be reduced by 13% (currently a savings of \$4.55/EDU/month).

For TP, if the monthly average concentration is less than 1 mg/L, the standard user fee per EDU shall be reduced by 5% (currently a savings of \$1.75/EDU/month).

The reductions may be cumulative to a maximum reduction of 57% of the standard user fee and are to be calculated on a month by month basis.

### **Surcharge Action Levels and Prohibited Levels**

- 6.09 The Authority will also implement a Surcharge Action Level. Discharges over this limit require notification of the Authority by the Industrial User. Enforcement action may be taken at this time following the Enforcement Response Plan and surcharge amounts may also increase to a level designated by the Authority through the Industrial User' permit.
- 6.10 The Authority will also implement a Surcharge Prohibited Level. Discharges over this limit are prohibited as they are generally set to maintain the Maximum Allowable Industrial Loading of pollutants at the plant headworks. Industrial Users will be asked to Cease and Desist discharge when above these limits and surcharges will rise to an even higher level designated by the Authority through the Industrial User's permit. Other actions under the Enforcement Response Plan may also be implemented.

**ARTICLE 7**  
**ADMINISTRATIVE ENFORCEMENT**

**Notification of Violation**

- 7.01 Except in cases of emergency situations subject to the provisions of Section 7.16-7.18 of these Rules and Regulations, whenever the Authority determines that an Industrial User has violated or is violating any prohibitions, limitations or requirements of the User's permit or this Ordinance, the Authority may issue by certified mail a formal written notification stating the nature of the violation. The User shall be afforded a minimum period of thirty (30) days after the receipt of the notification within which to correct the deficiency or violation, or to submit to the Authority a proposed corrective action plan and schedule for correcting the violation. Submission of such a plan in no way relieves the User of liability for any violations occurring before or after receipt of the NOV. All violations result in immediate liability and the Authority may seek such penalties and/or take other enforcement action as it deems necessary during this response period.
- 7.02 In the case of procedural violations, an Industrial User may correct the violation by fulfilling the duties or requirements that are deficient. The Authority shall review the corrective action taken by the User to determine whether or not the violation has been adequately corrected. Failure to correct a violation within a reasonable time period may result in further enforcement action.
- 7.03 In the case of discharge violations, the Industrial User may correct the violation by process modifications or implementing appropriate pretreatment technology. The Authority shall review the proposed corrective action plan and schedule submitted by the User to determine whether or not the plan is adequate to correct the violation and consistent with the objectives of any applicable Federal Pretreatment Standards and the General Pretreatment Regulations. The Authority may require modifications to the plan and schedule, including the submission of interim progress reports, to verify correction of the violation within an appropriate compliance schedule. The Authority may modify the User's permit to incorporate a reasonable schedule of compliance to implement an acceptable corrective action plan. In no case will any such compliance schedule exempt a User from further enforcement action by the Authority for the discharge violations or from enforcement action for failure to meet a compliance date in any applicable Federal Pretreatment Standards.

**Administrative Orders**

- 7.04 Except in the case of emergency situations subject to the provisions of Section 7.16-7.18 of these Rules and Regulations, whenever the Authority deems it necessary to

take enforcement action, including revocation of the User's permit, under the provisions of these Rules and Regulations, the Authority may issue the affected User a formal written notification of the proposed enforcement action by certified mail. Such notice shall state the basis for the proposed action and the reasons for the Authority's tentative action.

- 7.05 The Industrial User shall be afforded a minimum period of 30 days, but no more than 60, within which to comment on the proposed action and to submit to the Authority a written request for a meeting with the Authority to appeal the proposed action. All requests for an appeal meeting shall clearly state the specific action or provision(s) of the proposed action that is being appealed, and the grounds upon which the appeal is based. Any supporting evidence that is relevant to the appeal must also be submitted with the request for appeal. The Authority may deny the appeal request on the basis of insufficient grounds, or may schedule a meeting for the User to present the appeal to the Authority. As soon as practicable after the conclusion of the review period or the appeal meeting, the Authority shall issue, to the User, a formal written notification of the intended enforcement action and their conclusions. It must also be noted that all violations result in immediate liability and the Authority may seek such penalties and/or take other enforcement action as it deems necessary during the response period.

### **Consent Orders**

- 7.06 The Authority is hereby empowered to enter into Consent Orders, assurance of voluntary compliance, or other similar documents establishing an agreement with the Industrial User responsible for the noncompliance. Such orders will include specific action to be taken by the Industrial User to correct the noncompliance within a time period also specified in the order. Such documents shall have the same force and effect as the administrative orders pursuant to Compliance Orders under Section 7.11 and Cease and Desist Orders under Section 7.12. In no case will any such order exempt a User from further enforcement action for failure to meet a compliance date in any applicable Federal Pretreatment Standards.

### **Show Cause Hearing**

- 7.07 In certain cases, such as those involving revocation of a User's permit, the Authority may order a User to show cause before the Authority why the proposed enforcement action should not be taken. A notice shall be served on the 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 a request that the User 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 10 days before the hearing. Service may be made on any agent or officer of a corporation.

- 7.08 The Authority may itself conduct the hearing and take evidence, or may designate any of its members, or in conjunction with the affected User the Authority may designate an arbitrator or board of arbitration to:
- (A) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (B) Take the evidence;
  - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.
- 7.09 At any hearing held pursuant to these Rules and Regulations, testimony taken must be under oath and recorded stenographically or by electronic means. 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. Charges are not to exceed the actual cost of producing and delivering the written transcript.
- 7.10 After the Authority has reviewed the evidence, it may issue an order to the User responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed on existing treatment facilities, and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

### **Compliance Orders**

- 7.11 When the Authority finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

## **Cease and Desist Orders**

- 7.12 When the Authority finds an Industrial User has violated or continues to violate this ordinance or any permit or order issued hereunder, the Authority may issue an order to cease and desist all such violations and direct the Industrial User in noncompliance to:
- (A) Comply forthwith;
  - (B) Take such appropriate remedial or preventative actions needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.

## **Administrative Fines**

- 7.13 When the PTC finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the PTC may fine such User in an amount not to exceed \$25,000.00. Such fines may 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.
- 7.14 Unpaid charges, fines, and penalties shall, after 30 calendar days, be assessed an additional penalty of 10 % of the unpaid balance and interest shall accrue thereafter at a rate of 0.5 % per month. A lien against the User's property shall be sought for unpaid charges, fines, and penalties. (SEE ARTICLE 8, SECTION 8.08)
- 7.15 All fines are due in full within 30 days after their receipt. Users desiring to dispute such fines must file a written request for the PTC to reconsider the fine amount within 60 days of being notified of the fine. Where a request has merit, the PTC may convene a hearing on the matter. In the event the User's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The PTC may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

## **Emergency Suspensions**

- 7.16 The Director of the Authority or PTC may, upon informal notice to an Industrial User, order the User to immediately halt or prevent a discharge to the POTW which, in the opinion of the Director or PTC, reasonably appears to present an imminent endangerment to the health or welfare of persons, or may damage the POTW or its receiving stream. For the purpose of this paragraph, informal notice to an Industrial User may be issued by a telephone call, an on-site inspection/visit, a cease and desist order, or any combination of these methods.

- 7.17 In the event that an Industrial User should fail to voluntarily comply with an emergency order to immediately halt or prevent a discharge to the POTW, the Director shall take whatever action deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment of any individuals. The costs associated with any such emergency action shall be assessed to the Industrial User, and the Authority shall not be responsible for any damages, including loss of income, as a result of such emergency action.
- 7.18 The Authority shall authorize permission to resume a discharge that has been halted under the emergency action provisions upon satisfactory proof that the imminent danger has been eliminated. Within 30 days after the date of any such emergency action, the industrial User shall submit to the Authority a detailed written statement describing the cause or causes of the harmful contribution that necessitated the emergency action, and the measures that will be taken to prevent any future occurrence of the incident.

### **Revocation of Permit**

- 7.19 The conditions and requirements of these Rules and Regulations are applicable to all permitted Industrial Users and shall be incorporated into the User's permit either expressly or by reference. The permittee has a duty to comply with all of the conditions of these Rules and Regulations. Any noncompliance constitutes a violation of the Rules and Regulations and is subject to appropriate enforcement action including, but not limited to, permit revocation or denial of a permit renewal application.
- 7.20 The Authority may revoke an Industrial User's permit and suspend wastewater treatment service, or deny a permit renewal application, for any of the following causes:
- (A) Failure to notify the PTC of significant changes to the wastewater prior to the changed discharge;
  - (B) Determination by the Authority that the discharge presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW;
  - (C) Failure of the User to disclose fully all relevant facts during the permit application or issuance process, or the User's misrepresentation of any relevant facts at any time;
  - (D) Falsifying monitoring or compliance reports, or tampering with or knowingly rendering inaccurate any monitoring device or method required to be maintained under the User's permit.
  - (E) Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring;

- (F) Willful and knowing failure to comply with any conditions of the User's permit or these Rules and Regulations.
- (G) Failure to pay fines;
- (H) Failure to pay sewer charges;
- (I) Failure to meet compliance schedules; or
- (J) Failure to complete a wastewater survey.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

- 7.21 In the event of a nonemergency situation, where the Authority has determined that a User's discharge presents or may present a threat to the environment or the operation of the POTW, or where revocation of a User's Industrial Waste Permit is warranted as an enforcement action; the Authority shall, after formal written notification to the affected User and provision of ample opportunity for the User to respond, require the User to halt or prevent the discharge. (See 7.04 and 7.05)

**See Enforcement Response Table**

**ARTICLE 8  
JUDICIAL PENALTIES, DELINQUENCIES AND REMEDIES**

**Injunctive Relief**

8.01 When the PTC finds that a User has violated, or continues to violate, any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may petition the Court through MAJSA's attorney, or the Township Solicitor, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the individual wastewater discharge permit, order, or other requirement imposed by this ordinance on activities of the User. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

**Civil Penalties**

**[Note: In Pennsylvania a Municipal Authority does not have legal authority to impose civil/criminal penalties. Consequently, the imposition of such under these Rules and Regulations relies upon actions taken by each municipality. The municipality must have the minimum authority to seek civil or criminal penalties in the amount of at least \$1,000.00 per day per violation.]**

8.02 Any Industrial User who has violated or continues to violate this ordinance or any order or permit issued hereunder, shall be liable to the Authority for a civil penalty of not more than \$25,000 (\$1,000 minimum) plus actual damages incurred by the Municipality per violation, per day for as long as the violation continues. In addition to the above described penalty and damages, the Authority may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including, but not limited to, sampling and monitoring expenses. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

8.03 The Authority shall petition the Court of jurisdiction to impose, assess, and recover such sums. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the Industrial User's violation, corrective actions by the Industrial User, the compliance history of the User, and any other factor as justice permits.

## **Criminal Penalties**

**[Note: To the extent State law authorizes a municipality to prosecute violations of local ordinances as a crime under State law; the municipality should include the following provision in its local ordinance.]**

- 8.04 A User who willfully or negligently violates any provision of this ordinance, an individual wastewater discharge permit, or any other Pretreatment Standard or Requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than \$25,000.00 per violation, per day, or imprisonment, or both.
- 8.05 A User who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage shall, upon conviction, be guilty of a [misdemeanor] and be subject to a penalty of at least \$1,000.00, or be subject to imprisonment, or both. This penalty shall be in addition to any other cause of action for personal injury or property damage available under State law.
- 8.06 A User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed, or required to be maintained, under the industrial waste discharge provisions of these Rules and Regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Ordinance shall, upon conviction, be subject to pay a fine of at least one thousand dollars (\$1,000), but not more than twenty five thousand dollars (\$25,000), per violation, per day, and costs of prosecution, or imprisonment. In addition to the penalties recommended herein, the Authority shall be able to recover court costs, court reporter's fees and any other expense of litigation by appropriate suit at law against the person found to have violated the provisions of the Authority.

## **Recovery of Damages and/or Costs**

- 8.07 Any person violating any of the provisions of these Rules and Regulations or who discharges or causes a discharge which produces a deposit or obstruction or otherwise causes damage to or impairs the operation of the public sanitary sewerage system shall be liable to the Authority for any expenses, losses or damages caused by such violation or discharge. The Authority shall bill the User for the costs incurred by the Authority for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of these Rules and Regulations and shall be subject to further enforcement action and penalties according to the provisions of these Rules and Regulations.

## **Delinquencies and Remedies**

- 8.08 Each sewerage service charge, additional charge, surcharge and penalty imposed by these Rules and Regulations, together with interest at a rate of six percent (6%) per annum from the expiration of thirty (30) days after the date upon which it shall become due, shall be a debt due the Authority and shall be a lien on the property served, and if not paid within thirty (30) days after it shall become due, shall be deemed delinquent. In such event, the Authority may proceed to file a lien in the office of the Prothonotary of Luzerne County, Pennsylvania, and collect the same in the manner provided by law for the filing and collection of municipal claims.
- 8.09 In the event of failure to pay any sewerage service charge, additional charge, surcharge or penalty after they become delinquent, as herein provided, the Authority shall be authorized to remove or close the sewer service connection, and shall have the right to enter upon the property serviced for such purpose and to take such steps as may be necessary to accomplish such removal or closing. The expense of restoring any such service shall likewise be a debt due the Authority and a lien on the property serviced, and may be filed and collected as hereinabove provided. Such sewage service connection shall not again be turned on or the sewage service restored until all sewage service charges, additional charges, surcharges and penalties, including the expense of removal, closing and restoration, shall have been paid or adequate provisions for their payment shall have been made.
- 8.10 Change of ownership or occupancy of any property served by the public sanitary sewerage system as to which the sewer service charge, additional charge, surcharge or penalty imposed by these Rules and Regulations is delinquent shall not be cause for reducing or eliminating the rights and remedies of the Authority set forth in these Rules and Regulations.

## **Remedies Nonexclusive**

- 8.11 The remedies provided for in this ordinance are not exclusive. The PTC may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will generally be in accordance with the enforcement response plan of the founding municipalities. However, the PTC may take other action against any User when the circumstances warrant. Further, the PTC is empowered to take more than one enforcement action against any noncompliant User.

## **Supplemental Enforcement Action**

- 8.12 **Payment of Outstanding Fees and Penalties:** The Authority may decline to issue or reissue an individual wastewater discharge permit to any User who has failed to pay any outstanding fees, fines or penalties incurred as a result of any provision of this ordinance, a previous individual wastewater discharge permit, or order issued hereunder.
- 8.13 **Termination of Service or Water Supply Severance:** Whenever a User has violated or continues to violate any provision of this ordinance, an individual wastewater discharge permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, water service to the User may be severed. Service will recommence, at the User's expense, only after the User has satisfactorily demonstrated its ability to comply. Termination of Service may include any means necessary as to cease discharge into the MAJSA collection system.

Assuming other enforcement responses are unsuccessful, the types of violations warranting termination of service include, but are not limited to:

- Unpermitted discharge(s) which violate the POTW's NPDES permit or which create a dangerous situation threatening human health, the environment, or the treatment plant.
- Discharge(s) that exceed local or categorical discharge limits and result in damage to the environment.
- Slug loads causing interference, pass through, or damage to human health, the environment, or the treatment plant.
- Failure of the Industrial User to notify the Control Authority of effluent limit violations or slug discharge which resulted in environmental or POTW damage.
- Complete failure of the Industrial User to sample, monitor, or report as required by an Administrative Order.
- Failure of the Industrial User to install required monitoring equipment per the condition of an Administrative Order.
- Major violation of a permit condition or Administrative Order accompanied by evidence of negligence or intent.

## **Severability of Service**

- 8.14 **Severability:** If any provision of this ordinance is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

**Effective Date:**

8.15 This ordinance shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

**ARTICLE 9  
GENERAL RESOLUTION**

**See General Resolution**