

LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY

PRETREATMENT PROGRAM

RESOLUTION

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Table of Contents

I.	General Provisions	3
I.	Definitions	4
III.	Application for Service	12
IV.	Service Regulations	18
V.	Admission of Industrial Wastes Into the Sewer System	25
VI.	Variance	37
VII.	Miscellaneous Provisions	37
VIII.	Effective Date	39

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I. SECTION 1 - GENERAL PROVISIONS

A. Purpose and Policy

1. This Resolution sets forth uniform requirements for users of the Lower Bucks County Joint Municipal Authority (sometimes hereafter referred to as the Publicly Owned Treatment Works) and enables the Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code - 1251 et. seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of this Resolution are:
2. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;
3. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into the receiving waters of the State, or otherwise be incompatible with the Publicly Owned Treatment Works;
4. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
5. To promote reuse and recycling of industrial wastewater and sludge of the treated wastestream from the Publicly Owned Treatment Works;
6. To provide for fees for equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;
7. To enable the Lower Bucks County Joint Municipal Authority to comply with its National Pollutant Discharge Elimination System Permit conditions, sludge use and disposal requirements, and any other Federal, State or local laws to which the Publicly Owned Treatment Works is subject.
8. This Resolution shall apply to all users of the Publicly Owned Treatment Works. The Resolution authorizes the issuance of wastewater discharge permits, provides for monitoring, compliance, and enforcement activities, establishes administrative review procedures, requires user reporting, and provides for the setting of fees for equitable distribution of costs resulting from the program established herein.

B. Administration

1. Except as otherwise provided herein, the Managing Director shall administer, implement, and enforce the provisions of this Resolution. Any powers granted to or other duties imposed upon the Managing Director may be delegated by the Managing Director to other Authority personnel.

II. **SECTION 2 - DEFINITIONS**

A. Unless the content specifically indicates otherwise, the following terms and phrases as used in this Resolution shall have the meanings hereinafter designated:

1. ***Act or the Act*** - Shall mean the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
2. ***Applicant*** - Shall mean the User applying for permission to connect to the Water and/or Sewer System.
3. ***Approval Authority*** - Shall mean the U.S. Environmental Protection Agency (EPA).
4. ***Authority*** - Shall mean the Lower Bucks County Joint Municipal Authority/(LBCJMA).
5. ***Authorized Representative of Industrial User*** - Shall mean:
 - a) A responsible corporate officer of the level of president, vice-president, secretary or treasurer of the corporation in charge of a principal business function, or any other person who performs similar policy or decision making functions for the corporation; or
 - b) The manager of one or more manufacturing, production or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures; or
 - c) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; or
 - d) A duly authorized representative of the individual designated above if:
 - (1) The authorization is made in writing by the individual described in Section 2 (A) (5), or,

- (2) The authorization specifies either an individual or a position having responsibility for the overall operation of the facilities from which the indirect discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and
 - (3) The written authorization is submitted to the Control Authority.
6. **Biochemical Oxygen Demand (BOD)** - Shall mean the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory conditions, five (5) days at 20 C, expressed in terms of weight and concentration, milligrams per liter (mg/L).
7. **Board** - Shall mean the appointed officials acting as the governing body of the Authority.
8. **Building Drain** - Shall mean that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (5') outside the inner face of the building wall.
9. **Building Sewer** - Shall mean a sewer conveying wastewater from the premises of a User to the POTW.
10. **Cooling Water** - Shall mean the water discharged from any use, such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
11. **Consistent Removal** - Shall mean the reduction in the amount of a pollutant or alteration of the nature of the pollutant by the wastewater treatment system to a less toxic or harmless state in the effluent which is achieved by the system in ninety-five percent (95%) of the samples taken when measured according to the procedures set forth in 40 CFR 403.7 (c) (2).
12. **Control Authority** - Shall mean the Lower Bucks County Joint Municipal Authority.

13. **Customer** - Shall mean the party contracting for water and/or sewer service to a property as herein classified:
- a) A building under one roof owned by one party and used for one business or dwelling unit; or
 - b) A combination of buildings owned by one party in one common enclosure and used for one business or dwelling unit; or
 - c) The one side of a double house, having a solid vertical partition wall and used as one dwelling unit; or
 - d) A building owned by one party having a number of apartments or offices and using in common one hall and one or more means of entrance; or
 - e) An industrial, commercial or manufacturing establishment; or
 - f) Each dwelling unit, in addition to the first dwelling unit, in a building under one roof, owned by one party, shall be treated and regarded as a separate customer, and shall be subject to the rate schedule applicable thereby.
14. **Direct Discharge** - Shall mean the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
15. **Existing Source** - Shall mean any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
16. **Federal Categorical Pretreatment Standard (Categorical Standard)** - Shall mean any regulations containing pollutant discharge limitations promulgated by the EPA in accordance with Section 307 (b) and (c) of the Act (33 U.S.C. 1317), which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, 405-471.
17. **Grab Sample** - Shall mean a sample which is taken from a wastestream on a one time basis, with no regard to the flow in the wastestream and without consideration of time.
18. **Holding Tank Waste** - Shall mean any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks, etc.

19. **Indirect Discharge** - Shall mean 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.
20. **Industrial Pretreatment Program** - Shall mean a program administered by a POTW that meets the criteria established in 40 CFR 403.8 and 403.9, and which has been approved by a Regional Administrator or State Director in accordance with 40 CFR 403.11.
21. **Industrial User** - Shall mean a source of Indirect Discharge which does not constitute a discharge of pollutants under regulations issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
22. **Industrial Waste** - Shall mean any solid, liquid or gaseous substance or form of energy rejected or escaping from any industrial, manufacturing, trade or business process or from the development, recovery or processing of natural resources, as distinct from sanitary sewage.
23. **Instantaneous Maximum Allowable Discharge Limit** - Shall mean the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.
24. **Interference** - Shall mean a discharge which, alone or in conjunction with a discharge or discharges from other sources, both cause the inhibition or disruption of the POTW treatment processes or operations, or its sludge processes, use or disposal which contributes to a violation of any requirement of the Authority's NPDES Permit (including an increase in the magnitude or duration of a violation). The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 405 of the Act (33 U.S.C. 1345), or any criteria, guidelines, or regulations developed pursuant to the Solids Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection Research and Sanctuaries Act, or more stringent State criteria, including those contained in any State sludge management plan prepared pursuant to Title IV (Subtitle D) of SWDA applicable to the method of disposal or use employed by the POTW.
25. **May** - Shall mean permissive by the Authority.
26. **Medical Waste** - Shall mean isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
27. **National Pollutant Discharge Elimination System or NPDES Permit** - Shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
28. **National Prohibitive Discharge Standard or Prohibitive Discharge**

Standard - Shall mean any regulation developed under the authority of Section 307 (b) of the Act and 40 CFR 403.5.

29. **New Source** - Shall mean:
- a) Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the 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 the building, structure, facility or installation is constructed at a site 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; or
 - d) 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.
30. **Noncontact Cooling Water** - Shall mean the water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
31. **Pass Through** - Shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES Permit (including an increase in the magnitude or duration of a violation).
32. **Person** - Shall mean any individual, partnership, co-partnership, firm, company, association, joint stock company, trust, estate, governmental entity, 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 context.
33. **pH** - Shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution and indicates the degree of acidity or alkalinity of a substance.
34. **Pollutant** - Shall mean any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock,

sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

35. ***Pollution*** - Shall mean the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
36. ***Pretreatment or Treatment*** - Shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature 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 by other means, except as prohibited by 40 CFR 403.6 (d).
37. ***Pretreatment Requirements*** - Shall mean any substantive or procedural requirement related to pretreatment, other than a Federal Categorical Pretreatment Standard imposed on an Industrial User.
38. ***Pretreatment Standards*** - Shall mean prohibited discharge standards, Federal Categorical Pretreatment Standards and local limits.
39. ***Prohibited Discharges*** - Shall mean absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 4 of this Resolution.
40. ***Publicly Owned Treatment Works (POTW)*** - Shall mean a treatment works defined by Section 212 of the Act (33 U.S.C. 1292) which is owned, in this instance, by the Authority. This definition includes any devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes pipes, sewers, and other conveyances only if they convey wastewater to a POTW treatment plant. For the purposes of this Resolution, "POTW" shall also include any sewers that convey wastewater to the POTW from Users outside the Authority's Sewer Service areas, who are, by contract or agreement with the Authority, Users of the Authority's POTW. The term also means the municipality as defined in Section 502 (4) of the Act, which has jurisdiction over the indirect discharges to and discharges from such a treatment works.
41. ***Qualified Professional*** - Shall mean an individual licensed in the Commonwealth.
42. ***Sanitary Sewage*** - Shall mean the wastewater from residential households and toilet facilities from institutions, commercial and industrial establishments.
43. ***Septic Tank Waste*** - Shall mean any waste from campers, trailers, septic tanks and vacuum-pump tank trucks, etc.
44. ***Shall*** - Shall mean mandatory by the Authority.

45. **Significant Industrial User** - Shall mean any nonresidential User of the Authority's POTW who:
- a) Is subject to Federal Categorical Pretreatment Standards; or
 - b) Discharges an average of 25,000 gallons per day 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 percent (5%) or more of the average dry weather or organic capacity of the Authority's POTW treatment plant; or
 - d) Has in its wastes toxic pollutants as defined pursuant to Section 307 of the Act or Pennsylvania Statutes and rules; or
 - e) Is designated as such by the Authority, Pennsylvania Department of Environmental Protection (DEP), or the U.S. Environmental Protection Agency (EPA) on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating a Pretreatment Standard or Requirement.
46. **Slug** - Shall mean any discharge of water, sewage or waste exceeding a concentration or flow greater than five (5) times that of the average 24-hour discharge from the User, which is discharged continuously for a period longer than fifteen (15) minutes.
47. **Standard Industrial Classification (SIC)** - Shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget 1987.
48. **State** - Shall mean the Commonwealth of Pennsylvania.
49. **Stormwater** - Shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.
50. **Suspended Solids** - Shall mean the total suspended matter that floats on the surface or is suspended in water, wastewater, or other liquids, and which is removable by laboratory filtering.
51. **Toxic Pollutant** - Shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under provision of the Clean Water Act, Section 307 (a) or other acts.

52. ***U.S. Environmental Protection Agency*** - 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.
53. ***Wastewater Treatment Plant or Treatment Plant*** - Shall mean that portion of the POTW designed to provide treatment to wastewater.
54. ***Wastewater/Wastestream*** - Shall mean the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and stormwater that may be present, whether treated or untreated, which is contributed into or permitted to enter the Authority's POTW.
55. ***Waters of the State*** - Shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation 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.
56. ***Water System*** - Shall mean all facilities for the collection, treatment and distribution of water.
57. ***Abbreviations*** - Shall have the following designated meanings:
- BOD Biochemical Oxygen Demand
 - CFR Code of Federal Regulations
 - COD Chemical Oxygen Demand
 - EPA Environmental Protection Agency
 - gpd Gallons per Day
 - L Liter
 - mg Milligram
 - mg/L Milligram per Liter
 - NPDES National Pollutant Discharge Elimination System
 - POTW Publicly Owned Treatment Works
 - RCRA Resource Conservation and Recovery Act
 - SIC Standard Industrial Classification
 - SWDA Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
 - TSS Total Suspended Solids
 - USC United States Code

III. **SECTION 3 - APPLICATION FOR SERVICE**

- A. Residential customers desiring to connect to the Authority's Water and/or Sewer System shall make application for such services on a form provided by the Authority.
- B. Commercial and industrial establishments desiring to and/or already connected and contributing to the Authority's Water System shall make written application for such services on a form provided by the Authority. These establishments shall also furnish a detailed description as to type of public building, commercial or industrial establishment to be served, together with a list setting forth the number and type of fixtures served. Such commercial and industrial applicants shall also furnish to the Authority four (4) copies of a detailed plan showing:
- The boundaries of his property.
 - The location within his property of structures to be served.
 - The location and profile of the services to be installed.
 - Detail showing the connections to water mains and the arrangement and detail of meter installations.
- C. Commercial and industrial establishments desiring to and/or already connected and contributing to the Authority's Sewer System shall make written application for such services on a form provided by the Authority. These establishments may then be issued a Wastewater Discharge Permit upon approval and at the discretion of the Authority. There shall be three (3) classes of Wastewater Discharge Permits:
- Significant Industrial Users Permit fee - \$4,100.00 per year
 - General Industrial Users Permit fee - \$ 300.00 per year
 - General Oil and Grease Users Permit fee - \$ 200.00 per year

- D. The permit application shall be accompanied by a permit fee, when submitted to the Authority, as established in the Authority's Rate Schedule. In support of the application, the User shall submit, in units and terms appropriate for evaluation, information including but not limited to the following:
1. Name, address and location;
 2. SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1987, as amended;
 3. Description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged;
 4. Water usage and disposal;
 5. Time and duration of contribution;
 6. Average daily and 30-minute peak wastewater flow rates, including: daily, monthly, and seasonal variations, if any;
 7. Each product produced by type, amount, process or processes, and rate of production;
 8. Type and amount of raw materials processed;
 9. Number and type of employees, hours of operation of plant, and proposed or actual hours of operation of pretreatment system.
- E. Wastewater constituents and characteristics 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 Clean Water Act and contained in 40 CFR 136, as amended.
- F. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, sewer connections, and appurtenances by size, location, and elevation.
- G. Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, 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 the applicable Pretreatment Standards.
- H. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, 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.

- I. 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, etc.).
 - 2. No increment referred to in Section 3 (H), shall exceed nine (9) months.
 - 3. No later than fourteen (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 no more than nine (9) months elapse between such progress reports to the Authority.

- J. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

- K. The permit application shall be signed by an authorized representative of the User and certified to by a qualified professional. The application shall contain the following certification statement:
 - 1. I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering 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.

- L. The Authority will evaluate the data furnished by the User and may require additional information. After evaluation and acceptance of the data furnished, the Authority may issue a Wastewater Discharge Permit subject to the terms and conditions provided in Section 3 (N), below.

- M. Within ninety (90) days of promulgation of a Federal Categorical Pretreatment Standard, the Significant Industrial User Wastewater Discharge Permit subject to such standard shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a Significant Industrial User, subject to a Federal Categorical Pretreatment Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by this section, the Significant Industrial User shall apply for a Wastewater Discharge Permit within 180 days after the promulgation of the applicable Federal Categorical Pretreatment Standard. In addition, the Significant Industrial User with an existing Wastewater Discharge Permit shall submit to the Authority within 180 days after the promulgation of an applicable Federal Categorical Pretreatment Standard the information required in Section 3 (F) and (G).
- N. ***Wastewater Discharge Permits:*** Permits shall be expressly subject to all provisions of the Authority's Resolution, local sewer ordinances, and all other applicable regulations, User charges and fees established by the Authority. Permits may contain the following:
1. The unit charge or schedule of User charges and fees for the wastewater to be discharged to the Sewer System;
 2. Limits on the average and maximum wastewater constituents and characteristics;
 3. Limits on average and maximum rate and time of discharge or requirements for flow regulations and equalization;
 4. Requirements for installation and maintenance of inspection and sampling facilities;
 5. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests, and reporting schedules;
 6. Compliance schedules;
 7. Requirements for submission of technical reports or discharge reports;
 8. Requirements for maintaining and retaining plant records relating to wastewater discharge for three (3) years or longer as specified by the Authority and affording the Authority access thereto, which period shall be automatically extended for the duration of any litigation concerning the User or the Authority;
 9. Requirements for prior notification to the Authority of any new introduction of wastewater constituents or any substantial change in the volume or

character of the wastewater constituents being introduced into the wastewater treatment system;

10. Requirements for notification of slug discharges;
 11. Requirements for installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
 12. Other requirements as deemed necessary by the Authority to ensure compliance with the Authority's Resolution.
- O. **Permit Duration:** Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than one (1) year, or may be stated to expire on a specific date.
- P. **Public Notification:** The Authority shall publish in The Courier Times a notice of intent to issue a Significant or General Industrial User Wastewater Discharge Permit at least fourteen (14) days prior to issuance. The notice will indicate a location where the draft permit may be reviewed, and an address where written comments may be submitted.
- Q. **Permit Appeals:** The Authority will provide interested parties with notice of final permit decisions. Upon notice by the Authority, any person, including the Permittee, may petition to appeal the terms of the permit in writing within thirty (30) days of the notice.
- Failure to submit a petition for review shall be deemed a waiver of the appeal.
 - In the petition, the Permittee must indicate the permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to be placed in the permit.
 - The effectiveness of this permit shall not be stayed pending reconsideration by the Authority. If, after reviewing the petition and any arguments, the Authority determines that reconsideration is appropriate, the Authority shall remand the permit for reissuance.
 - An Authority decision not to reconsider a final permit shall be considered a final administrative action for purposes of judicial review.
 - The Permittee seeking judicial review of the Authority's final action must do so by filing a complaint with the Court of Common Pleas of Bucks County within thirty (30) days.

- R. **Permit Action:** The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Authority during the term of the permit. These reasons include, but are not limited to, the following:
1. To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements;
 2. Any changes in the Permittee's process or discharge characteristics;
 3. Information indicating that the permitted discharge poses a threat to the Authority's collection and treatment facilities, personnel, or receiving waters;
 4. Violation of any terms or conditions of the Permit;
 5. Misrepresentation or failure, upon the Permittee's part, to disclose fully all relevant facts in the permit application or any required reporting;
 6. To correct typographical or other errors in the permit;
 7. To reflect transfer of facility ownership and/or operation to a new owner/operator.
- S. Upon request of the Permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
- T. The Permittee shall be informed of any proposed changes in his permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance as determined by the Authority. The filing of a request by the Permittee for a permit modification, revocation and reissuance, or termination, or a notification of planned changed or anticipated noncompliance, does not stay any permit condition.
- U. **Permit Transfer:** Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned, transferred, or sold to a new owner, new User, different premises, or a new or changed operation without the written approval of the Authority.
1. The Permittee must give at least thirty (30) days advance notice to the Authority;
 2. The notice shall include a written notarized certification by the new owner which:
 - a) States that the new owner has no intent to change the facility's operations and processes;
 - b) Identifies the specific date on which the transfer is to occur;

- c) Acknowledge full responsibility for complying with the existing permit.

V. **Permit Termination:** Wastewater Discharge Permits may be terminated for the following reasons:

- Falsifying monitoring reports.
- Tampering with monitoring equipment.
- Refusing to allow timely access to the facility premises and records.
- Failure to meet effluent limitations.
- Failure to pay fines.
- Failure to pay sewer charges.
- Failure to meet compliance schedules.

W. **Permit Reissuance:** The Permittee shall apply for permit reissuance a minimum of 180 days prior to the expiration of the User's existing Wastewater Discharge Permit. If the permit is not reissued by the Authority prior to its expiration date, the conditions of the existing permit shall continue until such time that a new permit is issued by the Authority, though not to exceed three (3) months.

IV. **SECTION 4 - SERVICE REGULATIONS - SEWER**

A. **General Discharge Prohibitions** - No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of a POTW, whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements.

B. **Specific Discharge Prohibitions** - No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or wastewater:

1. Any liquids, solids, or gases which by reason of their nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion, to be injurious in any other way to the POTW or to the operation of the POTW, including, but not limited to, wastestreams with a closed flashpoint of less than 140 degrees Fahrenheit (140 F) or 60 degrees Centigrade (60 C) using the test methods specified in 40 CFR 261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited 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 substance which is a fire hazard or a hazard to the system.

2. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than one-eighth inch (1/8") 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, residue from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
3. Grease, oil or sand interceptors shall be required when, in the opinion of the Authority, they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as to cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities, sand, or other harmful ingredients, except such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Authority. Any removal and hauling of the collected materials not performed by the owners' personnel must be performed by currently licensed waste disposal firms.
4. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in any amount.
5. Pollutants which can cause corrosive structural damage to the POTW, but in no case shall the wastewater pH be less than 5.0.
6. Any wastewater containing toxic pollutants which either singly or by interaction with other pollutants can injure or interfere with any wastewater treatment process, constitutes a hazard to humans and animals, creates a toxic effect in the receiving waters or the POTW, or exceeds the limitations set forth in a Federal Categorical Pretreatment Standard. A toxic pollutant shall include, but not limited to, any pollutant identified pursuant to Section 307 (a) of the Act.
7. Any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes can create a public nuisance or hazard to life, or may prevent safe entry into the sewers for maintenance or repair.

8. Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, sludges, or scum, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. 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 developed under Section 405 of the Act; or any 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.
9. Any substance which can pass through and as a result cause the POTW to violate its NPDES Permit or the receiving water quality standards.
10. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the treatment plants effluent, thereby violating the Authority's NPDES Permit. Color (in combination with turbidity) shall not cause the treatment plant effluent to reduce the depth of the compression point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.
11. Any wastewater having a temperature which can inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 40 degrees Centigrade (40 C) or 104 degrees Fahrenheit (104 F).
12. Any pollutants, including oxygen demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which can cause interference to the POTW. In no case shall a waste load have a flow rate or contain concentrations or qualities of pollutants that exceed for any time period longer than fifteen (15) minutes, more than five (5) times the average 24-hour concentration, quantities, or flow during normal operation, unless otherwise authorized in writing by the Authority.
13. Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.
14. Medical wastes are prohibited from entering the Authority's Sewer System.
15. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
16. Any wastewater which can cause a hazard to human life or create a public nuisance.

- C. No user shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, swimming pool drainage, cooling water, unpolluted industrial or nonresidential process water. The discharge of cooling water from air conditioning units with cooling towers or recirculating systems or from air conditioning units using flow-through or unrecirculating systems is prohibited. The sanitary sewers are not designed to handle the cooling water volumes produced by air conditioning units. Cooling water free from bacteria and harmful chemicals may be drained into storm sewers in accordance with State and Federal requirements.
- D. **Septic Tank Wastes** - No person shall discharge or cause to be discharged any of the following described wastes to the Authority's wastewater treatment facilities:
1. Any septage, skimmings, scum and/or sludge from holding tanks.
 2. Any industrial process waste.
 3. Any hazardous substances.
 4. Trucked or hauled pollutants.
- E. When the Authority determines that a User is contributing to the POTW any of the above enumerated substances, the Authority shall take necessary action to eliminate the discharge. Section 5 of this Resolution provides the appropriate enforcement responses.
- F. **Grease Traps and/or Oil Interceptors** - These appurtenances are required of all new facilities (i.e., food establishments) and any existing facilities of the same type whose wastewater discharges into the Authority's Sewer System. The size, type of construction and location of installation shall be approved by the Authority prior to installation.
1. Grease Traps are to be installed to treat wastewater emanating from any establishment involved in the preparation of food. Such establishments include, but are not limited to: motels, cafeterias, restaurants, hospitals, schools and other institutions. Wastewater from garbage grinders is prohibited from entering into the grease trap and the Authority's Sewer System. The grease trap shall be placed outside the building and shall discharge into the Sewer System. Grease traps shall be located within 20 to 30 feet from the plumbing fixtures served to prevent congealing and clogging of waste lines. The minimum size of the grease trap permitted is 1,000 gallons. Other design considerations include:
 - a) The inlet and outlet on the grease trap shall be properly baffled;
 - b) Manhole is to be finished to grade to allow for easy access for proper maintenance; and

- c) Inaccessibility of the trap to insects and vermin. The grease trap shall be constructed of concrete and of the Authority's specifications.
2. Where it has been determined that the minimum size grease trap of 1,000 gallons is not large enough, the following equation(s) are to be utilized to determine the appropriate grease trap size:

- a) Restaurants:

$$\text{Formula : Gallons} = (D) \times (GL) \times (ST) \times (HR) \times (LF)$$

Where:

- D = Number of seats in dining area
- GL = Gallons of wastewater per meal (= 5 gallons)
- ST= Storage Capacity Factor (=2)
- HR = Number of Hours Open
- LF = Loading Factor:
 - 1.25 Interstate Freeways
 - 1.0 Other Freeways
 - 1.0 Recreational Areas
 - 0.8 Main Highways
 - 0.5 Other Highways

- b) Hospitals, Nursing Homes, and Other Types of Commercial Kitchens with varied seating capacities:

$$\text{Formula: Gallons} = (M) \times (GL) \times (ST) \times (2.5) \times (LF)$$

Where:

- M = Number of Meals per day
- GL = Gallons of wastewater per meal (= 4.5 gallons)
- ST = Storage Capacity Factor (= 2)
- LF = Loading Factor: 1.0 Dish Washing, 0.75 Without Dish Washing

- c) The Authority shall make the final determination pertaining to the sizing of grease traps that are technically computed using the above equations.

- G. ***Garages, service stations, and similar establishments*** - Shall not allow any discharges from floor drains to enter the Sewer System. All existing floor drains shall be permanently sealed.
- H. ***Commercial and industrial facilities*** - Shall permanently seal all floor drains.
- I. ***Federal Categorical Pretreatment Standards*** - Upon promulgation of the Federal Categorical Pretreatment Standard under Section 307 of the Clean Water Act for a particular industrial subcategory, the Federal Categorical Pretreatment Standard, if more stringent than the limitations imposed under the Authority's Limitations for sources in that subcategory, shall supersede the limitations imposed by the Authority. The Federal Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, 405 - 471, are hereby incorporated into this Resolution including any additions or amendments that may be affected by EPA from time to time.
- J. Modification of Federal Categorical Pretreatment Standards where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards, the Authority may apply to the Approval Authority for modifications of specific limits in the Federal Categorical Pretreatment Standards. The Authority may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards if the requirements contained in 40 CFR 403.7 are fulfilled and prior approval from the Approval Authority is obtained.
- K. ***Specific Pollutant Limitations*** - No person shall discharge wastewater containing in excess of:

<u>Parameter</u>	<u>Daily Maximum, mg/l</u>
• Ammonia Nitrogen	102.14
• Arsenic	0.39
• Biochemical Oxygen Demand	1005.50
• Cadmium	0.28
• Chemical Oxygen Demand	2,513.80
• Chromium	2.31
• Copper	3.68
• Total Cyanide	2.04
• Lead	0.71
• Mercury	0.07
• Nickel	1.47
• Oil & Grease	130.90
• pH	5.0-9.0
• Phenols	0.26
• Silver	1.26
• Total Suspended Solids	1000.10
• Total Toxic Organics	2.13
• Zinc	1.62

- L. **State Requirements** - State requirements and limitations on discharge apply in any case where they are more stringent than federal requirements and limitations or those in the Authority's Resolution.
- M. **Authority's Right of Revision** - The Authority reserves the right to establish in its Resolution more stringent limitations or requirements on discharges to the wastewater treatment system if deemed necessary and appropriate.
- N. **Excessive Discharge** - No User shall ever increase the use of process 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 with any other pollutant-specific limitation developed by the Authority, State or Federal agencies.
- O. **Accidental Discharge/Slug Control Plan** - Each User shall provide protection from accidental and slug discharge of prohibited materials or other substances regulated by the Authority's Resolution. Facilities to prevent accidental or slug discharges 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 before construction of the facility. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:
- Description of discharge practices, including nonroutine batch discharges;
 - Description of stored chemicals;
 - Procedures for immediately notifying the Authority of any accidental or slug discharge, as required by Section 4 (O) of this Resolution.
1. Procedures to prevent any adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to: inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.
 2. All Users shall complete such a plan when requested by the Authority. Review and approval of such plans shall not relieve the User from the responsibility to modify its facility, as necessary, to meet the requirements of the Authority's Resolution. It is the responsibility of the User to immediately telephone and notify the POTW of any accidental or slug discharge incident. The notification shall include the location of the discharge, type of waste, concentration and volume, and corrective actions.

3. **Written Report** - Within ten (10) days following an accidental discharge, the User shall submit to the Authority a detailed written report describing the cause of the discharge and the measures to be taken by the User to mitigate and prevent any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW or aquatic life or any other damages to person or property. Such report shall not relieve the User of any fines, civil penalties, or other liability which may be imposed by the Authority's Resolution or other applicable law. This written report shall be signed by an authorized representative of the User.
4. **Notice to Employees** - 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 insure that all employees who may cause such a dangerous discharge to occur, are advised of the emergency notification procedures.

V. **SECTION 5 - ADMISSION OF INDUSTRIAL WASTES INTO THE SEWER SYSTEM**

- A. Application for disposal of industrial wastewater into the Authority's Sewer System is detailed in Section 3.
- B. **Baseline Monitoring Report (BMR)** - Within either 180 days after the effective date of a Federal Categorical Pretreatment Standard, or the final administrative decision of a category determination under 40 CFR 403.6 (a) (4), whichever is later, existing Categorical Significant Industrial Users currently discharging to or scheduled to discharge to the POTW, shall be required to submit a BMR to the Authority. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical SIU's subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit a BMR. A new source shall also report the method of pretreatment it intends to use to meet applicable Categorical Standards, and provide estimates of its anticipated flows and quantity of pollutants discharged. Categorical SIU's shall submit the following information for a BMR:
 1. The name and address of the facility, including the name of the operator and owner;
 2. A list of any environmental control permits held by or for the facility;
 3. A brief description of the nature, average rate of production, and standard industrial classifications (SIC) of the operation(s) carries out by such User. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes;
 4. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process wastestreams and other

wastestreams, as necessary, to allow use of the combined wastestream formula, as established in 40 CFR 403.6 (e);

5. The Categorical Standards applicable to each regulated process and the results of sampling and analysis of the regulated pollutants for each regulated wastestream. Instantaneous, daily maximum and long term average concentrations shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures established in 40 CFR Part 136. Sampling shall be performed in accordance with techniques approved by EPA;
6. A certification statement indicating whether Pretreatment Standards are being met on a consistent basis, and if not, whether additional Operations and Maintenance (O&M) and/or additional pretreatment, is required to meet the Pretreatment Standards or Requirements;
7. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule shall meet the requirements set forth in Section 3 (H) of this Resolution;
8. All BMR's shall be signed and certified in accordance with Section 3 (K) of this Resolution.

C. ***Compliance Date Report*** - Within ninety (90) days following the date for final compliance with applicable Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards or Requirements shall submit to the Authority a report indicating the nature and concentration of all pollutants in the discharge from the regulated process which are limited by Pretreatment Standards or Requirements and the average and maximum daily flow for these process units in the Users facility which are limited by such Pretreatment Standards or Requirements. The report shall state whether the applicable Pretreatment Standards or Requirements are being met on a consistent basis and, if not, what additional O&M and/or pretreatment is necessary to bring the User into compliance with the applicable Pretreatment Standards or Requirements. This report shall be signed and certified in accordance with Section 3 (K) of this Resolution.

D. ***Periodic Compliance Reports*** - Any User subject to a 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 report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards. In addition, this report shall include a record of all daily flows which, during the reporting period, exceeded the average daily flow allowed in the Wastewater Discharge Permit. If sampling by the User indicates a violation, the User shall notify the POTW within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the POTW within thirty (30) days after becoming aware of the violation, or if the POTW performs sampling at the User's facility between the time when the User performs its initial sampling and the time the User receives the results of this sampling. At the discretion of the Authority, and in consideration of such factors as local high and low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. This report shall be signed and certified in accordance with Section 3 (K) of this Resolution.

1. The Authority may impose mass limitations on Users which are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations are appropriate. In such cases, the report required by Section 5 (D) shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by the Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be as prescribed in the applicable Pretreatment Standard or by the Authority. All analyses shall be performed in accordance with procedures established in 40 CFR 136 and amendments thereto, or with any other test procedure approved by EPA. Sampling shall be performed in accordance with the techniques approved by EPA. (Comment: Where 40 CFR 136 does not include a sampling or analytical technique for the pollutant in question, sampling and analysis shall be performed in accordance with the procedures set forth in the EPA publication, "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants" April 1977, and amendments thereto, or with another sampling and analytical procedure approved by EPA.)
2. ***Sampling Collection*** - The Industrial User must have the wastewater samples collected using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Authority may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to

show instantaneous discharge limits. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides and total toxic organics must be obtained using grab collection techniques.

- E. ***Report of Changed Conditions*** - Each User, whether permitted or not, must notify the Authority of any planned significant changes to the User's operation or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change occurs. The User may be required to submit information to the Authority as may be deemed necessary to evaluate the changed condition. The Authority may issue a new Wastewater Discharge Permit or modify an existing Wastewater Discharge Permit as directed under Section 3 of this Resolution, as applicable.
- F. ***Notification of Hazardous Waste Discharge:***
1. Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and DEP Waste Management authorities in writing of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR 261. Such notification shall include:
 - a) The name of the hazardous wastes as set forth in 40 CFR 261;
 - b) The EPA hazardous waste number; and
 - c) The type of discharge (continuous, batch or other).
 2. If the User discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent such information is known and readily available to the User:
 - a) An identification of the hazardous constituents in the waste;
 - b) An estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month; and
 - c) An estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months.
 3. All notifications shall take place no later than 180 days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, notifications or changed discharges shall be submitted per Section 3 (N) (9) of this Resolution. This notification requirement does not apply to pollutants already reported by Users subject to Categorical Standards under the monitoring requirements of Section 5.

- a) Dischargers are exempt from the requirements of paragraph one (1) of this section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30 (d) and 261.33 (e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- b) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste, the User shall notify the Authority, the EPA Regional Waste Management Division Director, and DEP Waste Management authorities of the discharge of such substances within ninety (90) days of the effective date of such regulations.
- c) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- d) This provision does not create a right to discharge any substance not otherwise permitted to be discharged by this Resolution, a Wastewater Discharge Permit issued hereunder, or any applicable Federal, State or local law.

G. ***Monitoring Facilities*** - The Authority shall require to be provided and operated at the User's own expense, monitoring facilities to allow inspection, sampling and flow measurement of a building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the User's premises, but the Authority may, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility's sampling and measuring equipment shall be maintained at all times in a safe and proper condition at the expense of the User. 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 ninety (90) days following written notification by the Authority.

- H. ***Inspection and Sampling*** - The Authority shall inspect the facilities of any User to ascertain whether the purpose of local sewer ordinances and the Authority's Resolution are being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority or its representatives ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, records examination and access to as well as the right to a copy of all pertinent records or in the performance of any of their duties. The Authority, the State and the EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the Authority, the State and the EPA will be permitted to enter without delay, for the purposes of performing their specific responsibilities.
- I. ***Search Warrants*** - If the Authority 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 Resolution, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Resolution or any permit or Order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Authority may seek issuance of a search warrant from the Court of Common Pleas of Bucks County.
- J. ***Pretreatment*** - Users shall provide necessary wastewater treatment as required to comply with the Authority's Resolution, and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of this Resolution. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be accepted by the Authority prior to the User's initiation of the changes.
- K. The Authority shall annually publish in The Courier Times a list of the Users which were in Significant Noncompliance (SNC) with applicable Pretreatment Standards or Requirements at least once during the previous twelve (12) months. The notification shall also summarize any enforcement actions taken by the Authority against the

Users during the same twelve (12) months. For the purpose of this provision, a User is in SNC if its violation meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average monthly limit for the same pollutant;
 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average monthly limit multiplied by the applicable TRC (TRC - 1.4 for BOD, O&G, TSS, and 1.2 for all other pollutants except pH);
 3. Any other violation of a pretreatment effluent limit (daily maximum or longer term average) 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);
 4. Any discharge of a pollutant that has caused an imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under 40 CFR 403.8 (f) (1) (vi) (B) to halt or prevent such a discharge;
 5. Failure to meet, within ninety (90) days after the schedule date, a compliance milestone contained in the Wastewater Discharge Permit or separate enforcement order for starting construction, completing construction, or attaining final compliance;
 6. Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, semi-annual and annual compliance reports, monthly monitoring reports, and reports on compliance with compliance schedules;
 7. Failure to accurately report noncompliance; or
 8. Any other violation or group of violations which the Authority determines will adversely affect the operation or implementation of the Authority's Pretreatment Program.
- L. All records relating to compliance with Pretreatment Standards shall be made available to officials of the State or the EPA upon request.
- M. ***Confidential Information*** - Information and data on a User obtained from reports, questionnaires, permit applications, permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies 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.

N. 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 to the public, but shall be made available upon written request to governmental agencies for uses related to the Authority's Resolution, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit and/or the Pretreatment Program; 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.

O. ***Administrative Enforcement Remedies:***

1. ***Notification of Violation (NOV)*** - Whenever the Authority finds that any User has violated or is violating the Authority's Resolution and the Authority's Resolution pursuant thereto, the Wastewater Discharge Permit, or any order, prohibition, limitation or requirement contained herein, the Authority may serve upon said User a written notice, stating the nature of the violation. Within ten (10) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted to the Authority by the User. If the User fails to submit a plan within this ten (10) day period, the Authority shall develop and enforce a plan to correct the violation in question at the User's expense. The provisions of this section shall not relieve the User of any responsibility under local, State or Federal statutes, laws, rules or regulations.
2. ***Cease and Desist Order*** - When the Authority finds that a User has violated or continues to violate the Authority's Resolution and the Authority's Resolution pursuant thereto, the Wastewater Discharge Permit, or Order issued hereunder, the Authority may issue an Order to cease and desist all such violations and direct the User in noncompliance to comply forthwith; and take such appropriate remedial or preventative action as may be needed to properly address a continuing or threatened violation, including halting operations and terminating the discharge.
3. ***Compliance Order*** - When the Authority finds that a User has violated or continues to violate the Authority's Resolution and the Authority's Resolution pursuant thereto, the Wastewater Discharge Permit, or Order issued thereunder, the Authority may issue a Compliance Order to the User responsible for the discharge directing that, following a specific time period, sewer service shall be discontinued unless adequate treatment facilities,

devices, or other related appurtenances have been installed and are properly operated. Compliance Orders may also contain other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, additional self-monitoring, and management practices.

4. **Consent Order** - The Authority is hereby empowered to enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the User responsible for the noncompliance. Such orders will include specific action to be taken by the User to correct the noncompliance within a time period also specified by the Order. Consent Orders shall have the same force and effect as Compliance Orders issued pursuant to Section 5 (O) (3).
 5. **Show Cause Order** - Notwithstanding the aforesaid enforcement provisions, the Authority may order any User who causes or allows an unauthorized discharge to enter the POTW 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 directing the User to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served by certified or registered mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.
- P. The Authority or other person designated by the Authority shall conduct the hearing and be authorized as follows:
- To issue notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - To take the evidence; and
 - To transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.
- Q. At any hearing held pursuant to the Authority's Resolution, testimony shall be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- R. 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 shall be discontinued unless adequate treatment facilities, devices or

other related appurtenances have been installed and existing treatment facilities, devices or other appurtenances are properly operated. Further orders and directives deemed necessary and appropriate may be issued by the Authority.

- S. ***Administrative Fines*** - Notwithstanding the Authority's Resolution, any User who is found to have failed to comply with the Authority's Resolution and the orders, rules, regulations and permits issued hereunder, shall be fined an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties provided herein, the Authority may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law the person found to have violated the Authority's Resolution, or the orders, rules, regulations and permits issued hereunder. Unpaid charges, fines, and penalties shall constitute a lien against an individual User's property. Users desiring to dispute such fines must file a request for the Authority to reconsider the fine within ten (10) days of being notified of the fine. Where the Authority believes a request has merit, the Authority shall convene a hearing on the matter within ten (10) days of receiving the request from the User.
- T. ***Emergency Suspensions*** - The Authority may suspend the water/wastewater treatment service and/or the Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge which presents, or may present, an imminent endangerment to the health or welfare of persons or to the environment, may interfere with the POTW, or may cause the POTW to violate any condition of its NPDES permit.
1. Any User notified of a suspension of the water/wastewater treatment service and/or Wastewater Discharge Permit shall immediately stop or eliminate the wastewater discharge to the POTW. In the event of a failure of the User to comply voluntarily with the suspension order, the Authority shall take steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority shall reinstate the Wastewater Discharge Permit upon proof of the elimination of the noncomplying discharge by the User and payment of any damages, fines, penalties or costs associated with the discharge.
 2. A User which is responsible, in whole or in part, for imminent endangerment shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent future occurrence to the Authority within ten (10) days of the date of occurrence.
- U. ***Revocation of Permit*** - Any User who violates the Authority's Resolution or applicable state or federal regulations, is subject to having his Wastewater Discharge Permit revoked for, but not limited to, the following changes:

1. Failure of the User to factually report the wastewater constituents and characteristics of discharge;
 2. Failure of the User to report significant changes in operations or wastewater constituents and characteristics prior to the changed discharge;
 3. Refusal to permit reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling;
 4. Violation of the conditions of the Wastewater Discharge Permit; or
 5. Termination of undesirable new or increased discharges.
- V. Noncompliant Users will be notified of the proposed termination of their Wastewater Discharge Permit and be offered an opportunity to show cause under Section 5 (O) (5) why the proposed action should not be taken.
- W. ***Enforcement Remedies*** - If any User or other person discharges sewage, industrial wastes, or other wastes into the POTW contrary to the Authority's Resolution, Federal or State Pretreatment Requirements, any Order of the Authority, or violates any Pretreatment Standard or Requirement, the Authority Solicitor may commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction. Some of these actions include the following:
1. ***Injunctive Relief*** - Whenever a User has violated or continues to violate the Authority's Resolution, the Wastewater Discharge Permit, any Order issued hereunder, or any violation of a Federal Pretreatment Standard or Requirement, the Authority Solicitor may petition the Court for the issuance of a preliminary or permanent injunction or both (as may be appropriate) which restrains or compels the activities on the part of the User. The Authority shall have such remedies to collect these fees as it has to collect other sewer service charges.
 2. ***Civil Penalties*** - Any User who has violated or continues to violate the Authority's Resolution pursuant to Act 9 of the Commonwealth of Pennsylvania, or the orders, rules, regulations and permits issued hereunder, shall be liable to the Authority for a civil penalty in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) plus actual damages incurred by the POTW per violation per day 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 sampling and monitoring expenses.

3. ***Criminal Prosecution*** - Any User who willfully or negligently violates the Authority's Resolution, the Wastewater Discharge Permit, or Order issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per violation per day or imprisonment for not more than one (1) year, or both.
4. ***Falsifying Information*** - Any 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 pursuant to the Authority's Resolution, or the Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required by the Authority, shall, upon conviction, be punishable by a fine in an amount not to exceed Twenty-Five Thousand Dollars (\$25,000.00) per violation per day or imprisonment for not more than one (1) year, or both.

X. ***Affirmative Defenses:***

1. ***Treatment Upsets*** - Any User which experiences an upset in operations that places it in a temporary state of noncompliance, which is not the result of operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventative maintenance, or careless or improper operation, shall inform the Authority thereof immediately upon becoming aware of the upset. Where such information is given orally, a written report thereof shall be filed by the User within ten (10) days. The report shall contain:
 - a) A description of the upset, its cause(s), and impact on the discharger's compliance status;
 - b) The duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is continuing, the time by which compliance is reasonably expected to be restored; and
 - c) All steps taken or planned to reduce, eliminate, and prevent recurrence of such an upset.

Y. A User which complies with the notification provisions of this section in a timely manner shall have an affirmative defense to any enforcement action brought by the Authority for any noncompliance with the Authority's Resolution pursuant thereto, the Wastewater Discharge Permit, or Order issued hereunder, by the User, which arises out of violations attributable to and alleged to have occurred during the period of documented and verified upset.

1. ***Treatment Bypasses*** - A bypass of the treatment system is prohibited unless all of the following conditions are met:

- a) The bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;
 - b) There is no feasible alternative to the bypass, including the use of auxiliary treatment or retention of the wastewater; and
 - c) The User properly notifies the Authority as described in Section 4 (0).
- Z. Users must provide immediate notice to the Authority upon discovery of an unanticipated bypass. If necessary, the Authority may require the User to submit a written report explaining the cause(s), nature, and duration of the bypass, and the steps being taken to prevent its recurrence. A User may allow a bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Authority at least ten (10) days in advance. The Authority may only approve the anticipated bypass if the circumstances satisfy those set forth in this section.
- AA. ***Remedies Nonexclusive*** - The remedies provided for in this Resolution are not exclusive. The Authority 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 Authority's Enforcement Response Plan and Civil Penalty Policy. However, the Authority is empowered to take more than one (1) enforcement action against any Noncompliant User.

VI. **SECTION 6 - VARIANCE**

- A. Notwithstanding the limitations set forth in these regulations a special variance or amendment may be issued whereby a waste of unusual character or strength may be accepted, when in the opinion of the Authority, unusual or extraordinary circumstances compel special terms or special conditions. As a separate and additional requirement, such variance or amendment will be issued only when, in the opinion of the Authority, it would not have any deleterious effect on the system by causing interference with or disruption in the treatment works, or in violation of the NPDES Permit or state water quality criteria or standards. In no case shall a discharge be approved which would exceed the limits established by a National Categorical Pretreatment Standard.
- B. A User seeking a variance or amendment shall petition the Authority in writing and provide documentation of the exceptional circumstances which the User believes would justify a variance or amendment. If a variance or amendment is approved by the Authority, the User shall pay a surcharge in addition to the applicable service charges. Said surcharge shall be established by the Authority for each variance or amendment granted.

VII. **SECTION 7 - MISCELLANEOUS PROVISIONS**

- A. ***Informant Rewards*** - The Authority may pay up to Five-Hundred Dollars (\$500.00) for information leading to the discovery of noncompliance by a User. In the event that the information provided results in a civil penalty levied against the User, the Authority may disperse up to Five-Hundred Dollars (\$500.00) to the informant.
- B. ***Pretreatment Charges and Fees*** - The Authority may adopt fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program which may include:
1. Fees for Wastewater Discharge Permit Applications including the cost of processing such applications;
 2. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports submitted by the Users;
 3. Fees for reviewing and responding to accidental discharge procedures and construction;
 4. Fees for filing appeals; and
 5. Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by this Resolution and are separate from all other fees, fines, and penalties chargeable by the Authority.
- C. ***Severability*** - If any provision of this Resolution is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall continue in full force and effect.

VIII. **SECTION 8 - Effective Date**

This Resolution shall be in full force and effect immediately following its passage, and approval as provided by law. Adopted as a resolution this _____ day of _____ 1997.

ATTEST:

SECRETARY

CHAIRMAN