

LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY

RESOLUTION

**RESOLUTION TO ADOPT PRE-TREATMENT PROGRAM
AS REQUIRED FOR PUBLICLY OWNED TREATMENT WORKS**

WHEREAS, the Lower Bucks County Joint Municipal Authority is obligated to comply with all statutes, laws, and regulations of the United States of America and the Commonwealth of Pennsylvania; and

WHEREAS, the United States Environmental Protection Agency requires that a Pre-Treatment Program be in place for publicly owned treatment works; and

WHEREAS, the Lower Bucks County Joint Municipal Authority is a publicly owned treatment works and desirous of re-evaluating and revising its current Pre-Treatment Program; and

WHEREAS, the Lower Bucks County Joint Municipal Authority has revised its Pre-Treatment Program by and through its personnel and advisors; and

WHEREAS, the Lower Bucks County Joint Municipal Authority has advertised its intention to revise its Pre-Treatment Program and has noted that it would conduct a public meeting for purposes of receiving information, including the meeting on Thursday, January 28, 2021, commencing at 7:00 p.m., at the Authority Office located at 7811 New Falls Road, Levittown, Bucks County, Pennsylvania, 19055; and

WHEREAS, the appropriate proof of advertising of the notice of the public meeting, with Proposed 2021 Local Limits are attached hereto, made a part hereof and marked as Exhibit "A" to this Resolution.

NOW, THEREFORE, be it resolved that the Lower Bucks County Joint Municipal Authority resolves to put into place a revision of its current Pre-Treatment Program. The said Pre-Treatment Program is approved by the Board of Directors at a public meeting.

RESOLVED, this 28th day of January, 2021.

ATTEST:

LOWER BUCKS COUNTY
JOINT MUNICIPAL AUTHORITY


Secretary


Chairman

EXHIBIT “A”

Bucks County, SS.

NOTICE

**LOWER BUCKS COUNTY
JOINT MUNICIPAL AUTHORITY**

In accordance with the public notification requirements of 40 CFR Part 25 and Part 403.5(c)(3), the Lower Bucks County Joint Municipal Authority is re-evaluating and revising its Wastewater Discharge Limits. The revised Wastewater Discharge Limits may be reviewed and examined by appointment only during normal working hours Monday through Friday, 9:00 a.m. to 3:00 p.m. at the Authority Administrative Office located at 7811 New Falls Road, Levittown, PA 19055. The Wastewater Discharge Limits may also be reviewed and examined on the Authority's website at WW.lbcima.com. Written comments concerning the Authority's revised Wastewater Discharge Limits will be accepted at the Authority Office for a period not to exceed 14 days from the date of this Notice. The Authority will hold a hearing/meeting on the revised Wastewater Discharge Limits on Thursday, January 28, 2021 at 7:00 p.m. at the Administrative Office at the above-mentioned location.

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LOWER BUCKS CO JT MUN AUTH
PO BOX 460
LEVITTOWN, PA 190580460


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Michael Hughes being duly affirmed according to law, deposes and says that he/she is the Legal Billing Co-ordinator of the COURIER TIMES INCORPORATED, Publisher of The Bucks County Courier Times, a newspaper of general circulation, published and having its place of business at Levittown, Bucks County, Pa; that said newspaper was established in 1910; that securely attached hereto is a facsimile of the printed notice which is exactly as printed and published in said newspaper on

January 07, 2021

and is a true copy thereof; and that this affiant is not interested in said subject matter of advertising; and all of the allegations in this statement as to the time, place and character of publication are true.


LEGAL BILLING CO-ORDINATOR


Affirmed and subscribed to me before me this
7th day of January 2021 A.D.

Commonwealth of Pennsylvania - Notary Seal
Kristen Smith, Notary Public
Bucks County
My commission expires March 5, 2022
Commission number 1324227

LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY

PRETREATMENT PROGRAM

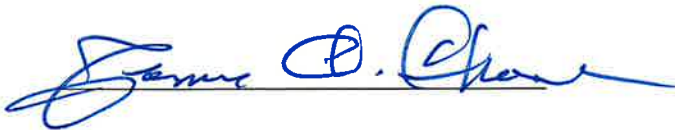
RESOLUTION



Chairperson



Treasurer



Vice Chairperson



Assistant Treasurer



Secretary



Assistant Secretary

LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY PRETREATMENT

PROGRAM

RESOLUTION

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LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY

PRETREATMENT PROGRAM

RESOLUTION

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, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can insure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater

discharge permit requirements; and where 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;
 - (3) The written authorization is submitted to the Control Authority.
6. **Best Management Practices (BMP)** - Shall mean the schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4. BMP 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 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. **Carbonaceous Biochemical Oxygen Demand (CBOD)** - Shall mean the quantity of oxygen demand exerted by organic (carbonaceous) compounds 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).

11. **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.
12. **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).
13. **Control Authority** - Shall mean Lower Bucks County Joint Municipal Authority .
14. **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 applicable rate schedule.
15. **Direct Discharge** - Shall mean the discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
16. **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.

17. ***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.
18. ***Grab Sample*** - Shall mean a sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
19. ***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.
20. ***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.
21. ***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.
22. ***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).
23. ***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.
24. ***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.
25. ***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 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.

26. **May-** Shall mean permissive by the Authority.
27. **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.
28. **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).
29. **National Prohibitive Discharge Standard or Prohibitive Discharge Standard-** Shall mean any regulation developed under the authority of 307 (b) of the Act and 40 CFR 403.5.
30. **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.
31. **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.
 32. **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).
 33. **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.
 34. **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.
 35. **Pollutant** - Shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, medical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, CBOD, TSS, turbidity, color, toxicity, or odor) .
 36. **Pollution** - Shall mean the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
 37. **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).

38. ***Pretreatment Requirements*** - Shall mean any substantive or procedural requirement related to pretreatment, other than a Federal Categorical Pretreatment Standard imposed on an Industrial User.
39. ***Pretreatment Standards*** - Shall mean prohibited discharge standards, Federal Categorical Pretreatment Standards, and local limits.
40. ***Prohibited Discharges*** - Shall mean absolute prohibitions against the discharge of certain substances, these prohibitions appear in Section 4 of this Resolution.
41. ***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.
42. ***Qualified Professional*** - Shall mean an individual licensed in the Commonwealth.
43. ***Sanitary Sewage*** - Shall mean the wastewater from residential households and toilet facilities from institutions, commercial and industrial establishments.
44. ***Septic Tank Waste*** - Shall mean any waste from campers, trailers, septic tanks, and vacuum-pump tank trucks.
45. ***Shall-*** Shall mean mandatory by the Authority.
46. ***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 hydraulic 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.
47. ***Slug Load or Slug Discharge*** - Shall mean any discharge of water, sewage or waste at a flow rate or concentration which could cause a violation of the prohibited discharge standards in Section 4. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's Pretreatment Standards, Local Limits or Permit Conditions.
48. ***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.
49. ***State***- Shall mean the Commonwealth of Pennsylvania.
50. ***Stormwater*** - Shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.
51. ***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.
52. ***Toxic Pollutant*** - Shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by EPA under provision of CWA 307 (a) or other acts.
53. ***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.

54. ***Wastewater Treatment Plant or Treatment Plant*** - Shall mean that portion of the POTW designed to provide treatment to wastewater.
55. ***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 storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the Authority's POTW.
56. ***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.
57. ***Water System*** - Shall mean all facilities for the collection, treatment, and distribution of water.
58. ***Abbreviations*** - Shall have the following designated meanings:
- | | | |
|---|-------|--|
| • | BMP | Best Management Practices |
| • | CBOD | Carbonaceous Biochemical Oxygen Demand |
| • | CFR | Code of Federal Regulations |
| • | 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 -- \$2,500.00 per year |
| • General Industrial Users | Permit fee -- \$ 200.00 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/or BMP 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.
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- 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 and/or BMP, 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 and/or BMP, 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 and/or BMP. 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 and/or BMP the information required in Section 3 (F) and (G).

N. ***Wastewater Discharge Permits*** shall be expressly subject to all provisions of the Authority's Resolution, local sewer ordinances, and all other applicable regulations and, 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 include sampling locations, frequency of sampling, number, types and standards for tests, and all monitoring reports provided that the reference method was used;
6. Compliance schedules;
7. Requirements for submission of technical reports and all 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, BMP 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 be given 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, BMP 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 on 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. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin in any amount.
4. Pollutants which can cause corrosive structural damage to the POTW, but in no case shall the wastewater pH be less than 5.0.
5. 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.
6. 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.
7. 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.

8. Any substance which can pass through and as a result cause the POTW to violate its NPDES Permit or the receiving water quality standards.
9. 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.
10. 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).
11. Any pollutants, including oxygen demanding pollutants (CBOD, 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.
12. 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.
13. Medical wastes are prohibited from entering the Authority's Sewer System.
14. Detergents, surface active agents, or other substances which may cause excessive foaming in the POTW.
15. 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, condensation, 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 wastes from grease traps and/or oil interceptors.
 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 in such amounts as to interfere with the operation of the POTW, the Authority shall advise the User of the impact on the contribution to the POTW and shall take necessary action to eliminate the interference. Section 5 of this Resolution provides the appropriate enforcement responses.
- F. **Grease Traps** - 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. Grease traps shall be located and plumbed to prevent congealing and clogging of waste lines from all kitchen plumbing fixtures served (i.e. all sinks/drains used in the preparation/sanitization of food, dishwashers, and mop sinks) . The minimum size of the grease trap permitted is 1,000 gallons two (2) compartment baffled grease trap. 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, car wash facilities 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. Restroom floor drains, utilized for sanitary waste only, are permitted to enter the Sewer System.
- I. ***Federal Categorical Pretreatment Standards and/or BMP*** - Upon promulgation of the Federal Categorical Pretreatment Standard and/or BMP under Section 307 of the Clean Water Act for a particular industrial subcategory, the Federal Categorical Pretreatment Standard and/or BMP, 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 and/or BMP, 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 and/or BMP where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by Federal Categorical Pretreatment Standards and/or BMP, the Authority may apply to the Approval Authority for modifications of specific limits in the Federal Categorical Pretreatment Standards and/or BMP. The Authority may then modify pollutant discharge limits in the Federal Categorical Pretreatment Standards and/or BMP 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	73.26
• Arsenic	0.52
• Cadmium	0.58
• Chromium (total)	3.87
• Copper	3.24
• Cyanide	0.55
• Lead	0.79
• Mercury	0.05
• Nickel	1.83
• Fats, Oil & Grease	135.5
• Phenols	1.26
• Silver	1.85

•	Zinc	2.12
•	CBODs	825.82
•	TSS	817.52

- 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 (0) 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, Best Management Practice (BMP) 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, BMP, 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) carried 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 and/or BMP 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, BMP, or requirements;
7. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards and/or BMP, 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 BMRs 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, BMP or, in the case of a New Source, following commencement of the introduction of wastewater into the POTW, any User subject to Pretreatment Standards, BMP 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, BMP or Requirements and the average and maximum daily flow for these process units in the User facility which are limited by such Pretreatment Standards, BMP or Requirements. The report shall state whether the applicable Pretreatment Standards, BMP 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, BMP, 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 and/or BMP 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, BMP or by the Authority, a report indicating the nature and concentration of pollutants in the effluent which are limited by such Pretreatment Standards and/or BMP. 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, BMP 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 and/or BMP. The frequency of monitoring shall be as prescribed in the applicable Pretreatment Standard, BMP or by the Authority. All analyses shall be performed in accordance with procedures established 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 Decision 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 Waste 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 and/or BMP 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 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 Bucks County Courier Times a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Pretreatment Standards, BMP or Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section and shall mean:
 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 for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard, BMP or Requirement as defined in Section 4;
 2. Technical Review Criteria (TRC) violations, defined here as those in which thirty- three percent (33%) or more of wastewater measurements

taken for each pollutant parameter during a six- month period equal or exceed the product of the numeric Pretreatment Standard, BMP or Requirement as defined in Section 4 multiplied by the applicable criteria (1.4 for CBOD, O&G, TSS, and 1.2 for all other pollutants except pH);

3. Any other violation of a Pretreatment Standard, BMP or Requirement as defined by Section 4 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 schedule 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 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 violation which LBCJMA determines will adversely affect the operation or implementation of LBCJMA's pretreatment program.
- L. All records relating to compliance with Pretreatment Standards and/or BMP shall be maintained for a period of at least three (3) years and made available to officials of the State or the EPA upon request.
- M. **Confidential Information** - Information and data on a User 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 requirements 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 (0) (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 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 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) (0) (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, BMP, 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, BMP 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, BMP 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 only be issued when, in the opinion of the Authority it would have no 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 and/or BMP.
- 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 \$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 \$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 28th day of JANUARY 2021.

ATTEST:



Secretary



Chairman

LOWER BUCKS COUNTY JOINT MUNICIPAL AUTHORITY

PRETREATMENT PROGRAM

ENFORCEMENT RESPONSE AND CIVIL PENALTY POLICY

SECTION I

A. INTRODUCTION

This Plan provides procedures for the Lower Bucks County Joint Municipal Authority (LBCJMA) personnel in enforcing violations of LBCJMA's Pretreatment Program. The Plan outlines the procedures to be followed by LBCJMA personnel to identify, document and respond to pretreatment violations. The Plan also provides procedures for selecting initial and follow-up enforcement actions, outlines staff responsibilities for these actions and specifies appropriate time frames in which to take these actions. Hence, good faith or lack of negligence on the Industrial User's part is not defense to a violation of the pretreatment requirements. The primary elements of the Enforcement Response Plan are the following:

- Description of how LBCJMA will investigate instances of noncompliance;
- Description of the types of escalated enforcement actions that LBCJMA will take in response to all anticipated types of Industrial User violations and the time periods within which to initiate and follow up these actions; and
- LBCJMA's primary responsibility to enforce all applicable Pretreatment Standards, BMP and Requirements.

There are several benefits to having an established Enforcement Response Plan. First, adoption of such a Plan strengthens LBCJMA's internal management by improving task coordination among the staff. Second, it enhances LBCJMA's reputation as a responsible public agency. Finally, the Plan provides an opportunity to involve other public service and regulatory agencies in LBCJMA's Pretreatment Program.

B. GLOSSARY OF TERMS

The following are relevant to enforcement actions and may be found in this Enforcement Response Plan and/or other similar guidance.

1. *Absolve* – To excuse; to free from an obligation or the consequences of guilt or liability.
2. *Administrative Action (a Fine or Order)* – An enforcement action authorized by the Control Authority's legal authority which is taken without the involvement of a court.
3. *Administrative Fine* – A punitive monetary charge unrelated to actual treatment costs which is assessed by the Control Authority rather than a court.
4. *Administrative Order* – A document which orders the violator to perform a specific act or refrain from an act. For example, the Order may require Industrial Users to attend a show cause hearing, cease and desist discharging, or undertake activities pursuant to a compliance schedule.
5. *Admissible Evidence* – Evidence which can be presented in court.
6. *Affidavit* – A sworn statement in writing under oath before an authorized magistrate or office.

7. **Approval Authority** – Shall mean the U.S. Environmental Protection Agency (EPA).
8. **Arbitrary of Capricious Allegation** – An assertion that a decision or action taken by the Control Authority is unreasonable or is not founded upon sound judgment.
9. **Best Management Practices (BMP)** – The schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4 of LBCJMA's Resolution. BMP 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.
10. **Burden of Proof** – The duty of proving a disputed assertion or charge in court.
11. **Cease and Desist Order** – An Administrative Order directing an Industrial User to immediately halt illegal or unauthorized discharges.
12. **Chain of Custody** – A written record of sample possession for all persons who handle (collect, transport, analyze, dispose of) a sample, including name, dates, times, and procedures followed.
13. **Civil Litigation** – A lawsuit filed in civil court. If the court rules for the defendant Industrial User violated the law the court may impose civil penalties, injunctions or other equitable remedies and/or court recovery.
14. **Civil Penalty** – A punitive monetary award granted by a court to the Control Authority against a noncompliant Industrial User.
15. **Compliance Order** – An Administrative Order directing a noncompliant Industrial User to achieve or restore compliance by a date specified in the Order.
16. **Compliance Schedule** – A schedule of required activities (also called milestones) necessary for an Industrial User to achieve compliance with all Pretreatment Requirements.
17. **Consent Decree** – A court supervised settlement agreement, the violation of which may be considered contempt of court.
18. **Consent Order** – An Administrative Order embodying a legally enforceable agreement between the Control Authority and the noncompliant Industrial User designed to restore the Industrial User to compliance status.
19. **Control Authority** – Shall mean Lower Bucks County Joint Municipal Authority (LBCJMA).
20. **Criminal Intent** – A state of mind which is a necessary element of all crimes. Criminal intent may be general (intent to perform an act) or specific (intent to break a law).
21. **Criminal Negligence** – Negligence of such a character, or occurring under such circumstances, as to be punishable as a crime (such as flagrant and reckless disregard of the safety of others or willful difference to the injury likely to follow).

22. **Criminal Prosecution** – A criminal charge brought by the Control Authority against an accused violator. The alleged criminal action may be a misdemeanor or a felony and is defined as a willful, negligent, knowing, and/or intentional violation. A court trial-by-jury is generally required and upon conviction, punishment may include a monetary penalty, imprisonment or both.
23. **Defendant** – The party against whom relief or recovery is sought.
24. **Deposition** – A discovery device by which one party addresses verbal questions to the other party or to a witness for the other party. Depositions are conducted under oath outside the courtroom usually in the office of an attorney. A transcript is made of the deposition which may be used as evidence at trial.
25. **Deterrent Value** – A threat of reprisal which is sufficient to discourage the Industrial User from future violations.
26. **Discovery** – A variety of pretrial devices used by one party to obtain relevant facts and information about the case from the other party.
27. **Double Jeopardy** – The prohibition against a second prosecution after a trial for the same offense.
28. **Enabling Legislation** – A law or charter which creates and empowers a Control Authority, such as the Clean Streams Law.
29. **Felony** – A crime punishable by imprisonment for greater than one (1) year (depending on the State).
30. **Fees** – A schedule of charges imposed to recover treatment costs (not punitive in nature).
31. **Fines** – A punitive monetary charge for the violation of the law. Often used synonymously with "penalty", although the term "fine" generally implies the use of administrative rather than civil (judicial) procedures.
32. **Good Faith Effort or Progress** – Prompt and vigorous pollution control measures undertaken by the discharger which shows that extraordinary efforts (not a "business-as-usual" approach) have been made to achieve compliance.
33. **Grand Jury** – A body of citizens whose duties consist of determining whether probable cause exists that a crime has been committed and whether an indictment should be returned against a named defendant.
34. **Inadmissible** – Evidence not allowed to be presented in court.
35. **Indictment** – A written accusation of criminal conduct by a grand jury.
36. **Injunction or Injunctive Relief** – A court order which restrains or compels action by the Industrial User.
37. **Interrogatories** – A discovery device consisting of written questions submitted by one party to the other party or witnesses.

38. **Judicial Action or Case** – An enforcement action that involves a court. (The action may be either civil or criminal in nature).
39. **Jurisdiction** – The extent of authority of a governmental entity's power to make and enforce laws.
40. **Legal Authority** – The source of a Control Authority's jurisdiction and regulatory powers.
41. **Libel Suit** – A suit against a person who is responsible for a written statement that allegedly conveys and unjustly unfavorable impression of another person.
42. **Litigation** – An enforcement action brought in a judicial (court) forum.
43. **Misdemeanor** – A crime punishable by imprisonment of less than one (1) year (depending on State law).
44. **National Pollutant Discharge Elimination System (NPDES)** – Shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
45. **Notice of Violation** – A Control Authority document notifying an Industrial User that it has violated Pretreatment Standards, BMP, and Requirements. Generally used when the violation is relatively minor and the Control Authority expects the violation to be corrected within a short period of time.
46. **Penalty** – A monetary or other punitive measure, usually associated with a court action. For purposes of this Plan, the term is used synonymously with fine.
47. **Plaintiff** – A person or organization seeking remedy from a court. For purposes of this Plan, the Plaintiff is the Control Authority.
48. **Plea Bargain** – An agreement between a prosecuting attorney and a criminal defendant whereby the defendant pleads guilty to a lesser charge and/or a reduction of sentence in exchange for cooperation on investigating or prosecuting the crime.
49. **Priority Pollutants** – A list of 126 pollutants established by EPA and considered hazardous to the environment and to humans.
50. **Proprietary Information** – Information about a commercial chemical, product, or process which is considered to be confidential business information or a trade secret by an Industrial User because if divulged, the information could put the Industrial User at an unfair competitive disadvantage with competitors in the same industry.

51. **Public 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.
52. **Reportable Noncompliance** – Criteria for identifying when a Control Authority should be reported in the NPDES noncompliance Report for failure to implement its approved Pretreatment Program.
53. **Request for Admission** – A discovery device where a written statement of fact concerning the case is submitted to the adverse party and which that party is required to affirm or deny. Those statements that are admitted will be treated by the court as having been established and need not be proved at trial.
54. **Request for Production** – A discovery device which requests the opposing party to produce some document or thing which may tend to resolve an issue in dispute in the case.
55. **Search Warrant** – A document issued by a magistrate or judge who authorizes government entry into private premises to either observe compliance with applicable laws or collect evidence of noncompliance.
56. **Self Monitoring** – Sampling and analysis of wastewater performed by the Industrial User.
57. **Show Cause Order** – An Administrative Order directing a noncompliant Industrial User to appear before the Control Authority, explain its noncompliance, and show cause why more severe actions against the Industrial User should not go forward.
58. **Significant Noncompliance** – Criteria used by Control and Approval Authorities to identify important violations and/or patterns of noncompliance. This criteria is used to establish enforcement priorities and comply with special reporting requirements. The Authority shall annually publish in The Bucks County Courier Times a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Pretreatment Standards, BMP or Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates Section 4 of LBCJMA's Resolution and shall mean:
- Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard, BMP or Requirement as defined in Section 4 of LBCJMA's Resolution;

- Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-month period equal or exceed the product of the numeric Pretreatment Standard, BMP or Requirement as defined in Section 4 of LBCJMA's Resolution multiplied by the applicable criteria (1.4 for CBOD, O&G, TSS, and 1.2 for all other pollutants except pH);
 - Any other violation of a Pretreatment Standard, BMP or Requirement as defined by Section 4 of LBCJMA's Resolution 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);
 - 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;
 - Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in the Wastewater Discharge Permit or separate enforcement order for starting construction, completing construction, or attaining final compliance;
 - Failure to provide, within thirty (30) days after the due date, required reports such as baseline monitoring reports, semi-annual compliance reports, monthly monitoring reports, and reports on compliance with compliance schedules;
 - Failure to accurately report noncompliance; or
 - Any other violation or group of violation which LBCJMA determines will adversely affect the operation or implementation of LBCJMA's pretreatment program.
59. **Standard of Strict Liability** – Liability which attaches without regard to the Industrial User's "negligence" or "intent" to violate. Noncompliant Industrial Users will be found liable for pretreatment violations if the Control Authority proves that a violation occurred.
60. **Statute of Limitations** – A law which prescribes the period within which an enforcement action may be pursued by the Control Authority.
61. **Stipulation** – A voluntary agreement between opposing parties as to facts or issues in controversy.
62. **Surcharge** – The charge for treating excessive pollutant loadings.
63. **Termination of Service** – The physical blockage of the sewer connection and/or disconnection of water service to a noncompliant Industrial User or issuance of a formal notice of termination to the Industrial User.
64. **Testimony** – A solemn declaration made by a witness under oath in response to interrogation by a lawyer or public official which is used as evidence.

C. ENFORCEMENT RESPONSES

LBCJMA begins its enforcement process by identifying an Industrial User's violation. The violation is determined to be either significant or nonsignificant. The appropriate response to the violation is proportionate to the violation's severity, promotes compliance within a timely manner and is authorized under Federal, State and local laws. There are seven (7) types of enforcement responses commonly used by Control Authorities which are:

- Notice of Violation (NOV)
- Penalties and Costs
- Administrative Orders
- Civil Litigation
- Criminal Prosecution
- Termination of Service
- Supplemental Enforcement Response

1.0 NOTICE OF VIOLATION

Whenever the Authority finds that any user has violated or is violating the Resolution, Wastewater Discharge Permit, or any prohibition, limitation of requirements contained herein, the Authority shall serve upon such person a written notice stating the nature of the violation(s) which may include the assessment of a civil penalty, and require a written response. As required by the Act, such notice shall include the name and address of the User. Within thirty (30) days of the date of the notice, a plan for the satisfactory correction thereof shall be submitted to the Authority by the User.

2.0 PENALTIES AND COSTS

2.1 Administrative Fines

An administrative Fine is a monetary penalty assessed by LBCJMA for violations of Pretreatment Standards, BMP and Requirements. Administrative Fines may be assessed by LBCJMA's discretion and the amount of the fines may be determined on an individual basis. Administrative Fines are punitive in nature and not related to a specific cost borne by the LBCJMA.

2.2 Civil Penalties

Any User who is found to have violated the provisions, requirements or pretreatment standards of the Resolution, Pennsylvania Department of Environmental Protection, or the EPA, an order, rule, regulation, or permit of the Authority, whether or not the violation is willful or negligent, shall be assessed a civil penalty in an amount not to exceed \$25,000 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense. The Authority may recover its costs for re-establishing the operation of the POTW, in addition, the Authority may recover attorney's fees, all court costs, and all other expenses of litigation to the extent permitted by law.

2.3 Civil Penalty Assessment Policy

This section constitutes the civil penalty assessment policy required by the Publicly Owned Treatment Penalty Law (herein "Act", Act no. 9 of 1992, 35 P.S. Section 752.1 et seq. When making determination on the level of enforcement, the Authority shall take into consideration the following:

1. Type and severity of violation;
2. Damage to air, water, land or other natural resources and their uses;
3. Costs of restoration and abatement;
4. Economic benefit or savings to the User as a result of the violation;
5. History of past violation(s) by the User;
6. Duration of Noncompliance;
7. Historical compliance data;
8. Deterrence of future violations;
9. Good faith efforts from the User; and
10. Other relevant factors.

Consideration of the gravity and length of a violation is important when determining the penalty amount. Removing the economic benefit of noncompliance only places the violating User in the position it would have been had it complied on time. Both deterrence and fundamental fairness require that the civil penalty include an additional amount to ensure that noncompliance is more costly than compliance, and the Authority's policy will be to include such an amount.

3.0 ADMINISTRATIVE ORDERS

Administrative Orders (AOs) are enforcement documents which direct Industrial Users to undertake or to cease specified activities. The terms AOs may or may not be negotiated with Industrial Users. Administrative Orders are recommended as the first formal response to Significant Noncompliance (SNC), unless judicial proceedings are more appropriate and may incorporate Compliance Schedules, Administrative Fines, Civil Penalties, and Termination of Service. The four (4) common types of Administrative Orders are:

- Cease and Desist Orders
- Compliance Orders
- Consent Orders
- Show Cause Orders

3.1 Types of Administrative Orders

The circumstances of an Industrial User's noncompliance dictate the type of Order that is necessary. In some instances, more than one type of Order may be appropriate for a single case of noncompliance.

3.1.1. Cease and Desist Orders

A Cease and Desist Order directs a noncompliant User to cease illegal or unauthorized discharge immediately or to terminate its discharge altogether. The Cease and Desist Order is issued in a situation where the discharge may cause interference or pass through, or otherwise create an emergency situation for LBCJMA. The Order may be issued immediately upon discovery of the problem or following a hearing. In an emergency, the Cease and Desist Order may be provided by telephone. A subsequent written Order should then be served on the Industrial User by certified mail. In non-emergency situations, the Cease and Desist Order may be used to suspend or permanently revoke Wastewater Discharge Permits. If the User fails to comply with the Order, LBCJMA may take independent action to halt the discharge, such as terminating water service, blocking or disconnecting the Industrial User's connection to the sewer system.

3.1.2. Compliance Orders

A Compliance Order directs the User to achieve or restore compliance by a date specified in the Order. The required actions to be accomplished are stated in the Order with their respective date of compliance. Both interim and final reporting requirements may be included in the Order. The Compliance Order is usually issued when noncompliance cannot be resolved without construction, repair or process changes. Compliance Orders may also be used to require Industrial Users to develop BMP, spill prevention programs or related Pretreatment Program requirements. It is important to consider all of the factors relevant to an appropriate schedule duration when establishing milestone dates. Once the milestones are established, and the Order is issued to the noncompliant Industrial User by certified mail, LBCJMA will track the Industrial User's performance in completing these milestones. If the Industrial User does not meet a milestone, LBCJMA may issue a Show Cause Order, impose an additional fine or initiate judicial proceedings. In some cases, the penalties for failing to meet a compliance schedule may be included in the Compliance Order.

3.1.3. Consent Orders

A Consent Order is an agreement between LBCJMA and the Industrial User and normally contains these elements:

- Compliance schedules;
- Stipulated fines
- Remedial actions; and
- Signature of LBCJMA and Industrial Users representatives.

A Consent Order is appropriate when the Industrial User assumes responsibility for its noncompliance, and is willing and in good faith, to correct its cause(s). The signing of the Order is neither an admission of liability for purposes of criminal prosecution. LBCJMA must make sure that the Consent Order prohibits future violations and provides for corrective action on the part of the Industrial User. Although the provisions of the Consent Order reflect a voluntary agreement, its enforceability is equal to that of a Cease and Desist Order or Compliance Order. In determining the terms to include in the Consent Order, LBCJMA may take an Industrial User's extenuating circumstances, such as financial difficulties and technical problems into consideration. The Consent Order should address every identified (and potential) deficiency in the Industrial User's compliance status at the time of the Order.

3.1.4. Show Cause Orders

The Authority may order any User who cause or allows a discharge of sewage, industrial waste, or other waste into the sewer system in violation of the provisions, requirements or pretreatment standards, of this Resolution or the Rules and Regulations of the Authority or the Pennsylvania Department of Environmental Protection, or the EPA to show cause before the Authority why the proposed assessment of penalty and/or enforcement action should not be taken.

A Show Cause Order directs the Industrial User to appear before LBCJMA, explain its noncompliance, and show cause why more severe enforcement actions against the Industrial User should not go forward. The Show Cause Order is typically issued after informal contacts, or NOV's have failed to resolve the noncompliance. However, the Show Cause Order/Hearing can also be used to investigate violations of previous Orders. A Show Cause Hearing places the burden of proof on the Industrial User, unlike judicial enforcement in which LBCJMA must prove the noncompliance. The Hearing can improve the LBCJMA/Industrial User relationship by promoting communication about noncompliance before judicial remedies are sought.

The Show Cause Hearing is conducted either by the Pretreatment Coordinator, the Managing Director, LBCJMA's Solicitor, and/or LBCJMA Board, depending on the severity of the violation and the resulting implications of the violation. The Hearing may be formal (i.e. conducted according to the rules of evidence, with verbatim transcripts and cross-examination of the witnesses) and open to the public. Alternatively, LBCJMA may choose to conduct an informal Hearing which will be based on the degree of severity of the noncompliance. In either case, complete documentation will be maintained. The Show Cause Hearing does involve a greater amount of time and resources than Cease and Desist Order and Compliance Orders, and allows the Industrial User an excessive length of time to achieve compliance. However, in some cases this disadvantage may be outweighed by the advantages cited above. Following the Hearing, it must be determined whether further action is warranted and if so, its nature and extent. Compliance or Consent Orders may be issued as a result of the findings from the Hearing.

4.0 CIVIL LITIGATION

If any person discharges sewage, industrial waste or other waste into the sewer system in violation of the provisions, requirements or pretreatment standards, of this Resolution or the Rules and Regulations of the Authority or the Pennsylvania Department of Environmental Protection, or the EPA which may represent an imminent danger or substantial harm to the POTW or to the public, an imminent danger or substantial endangerment to the environment, may cause the POTW to violate any conditions of its discharge permit, or has shown a lack of ability or intention to comply with said pretreatment provisions, requirements or standards, and other order of the Authority, or if other enforcement procedures would not be adequate to effect prompt correction of the conditions or violations, the Authority may institute an action to obtain injunctive relief in the Court of Common Pleas of Bucks County, where the activity has taken place, where the condition exists or where the public is affected.

5.0 CRIMINAL PROCEEDINGS

Any person who knowingly makes any false statements, representations or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this Resolution, or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Resolution, will be prosecuted to the extent permitted by law under the Crimes Code, 18, Pa.C.S.a. Section 101, *et seq.*

6.0 REVOCATION OF PERMIT

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

1. Failure of a User to factually report the Wastewater constituents and characteristics of his discharge.
2. Failure of a User to factually report significant changes in operations, or Wastewater constituents and characteristics.
3. Refusal of reasonable access to the User's premises for the purpose of inspection or monitoring.
4. Violation of conditions of the permit; or

5. Violation of any of the Authority's Resolution.

If a permit is revoked, the Control Authority may take steps it deems advisable, including severance of the sewer connection and/or termination of water service, to promote compliance with this Resolution.

7.0 SUPPLEMENTAL ENFORCEMENT RESPONSES

Supplemental or innovative enforcement responses are often used in conjunction with the more traditional enforcement responses. Normally, these supplemental responses are less costly and are designed to reinforce the compliance obligations of the Industrial User.

7.1. Public Notices

According to EPA regulations, all Control Authorities must comply with the public participation requirements of 40 CFR Part 25. Among these requirements is annual publication of a list of Industrial Users which are significantly violating applicable Pretreatment Standards, BMR and Requirements, according to 40 CFR 403.8 (f) (2) (vii). Publication of this list is intended to deter Industrial Users from committing pretreatment violations and to satisfy the public's right to know of violations affecting its immediate environment and which results in causing additional expenditures of public funds to operate and maintain the treatment system. Although Federal law only requires annual publication of the list of significant violators, it does not prohibit publication on a more frequent basis. More frequent Public Notices may be an effective means of encouraging compliance.

7.1.1. Water Service Termination

Water service termination has proven to be as equally effective as sewer service termination to force Industrial Users to halt production until water service is restored.

7.1.2. Increased Monitoring and Reporting

Generally, Industrial Users demonstrating a history of noncompliance should be subject to increased surveillance and more stringent monitoring requirements by LBCJMA, which will provide a powerful incentive for the Industrial User to return to compliance. The increased compliance information will also aid LBCJMA's enforcement program in several ways. First, it provides greater data on the extent of the Industrial User's noncompliance. Second, given the expense involved in monitoring, more frequent monitoring will entail additional costs on the Industrial User and may deter further violations. Finally, the additional data will allow the Industrial User to demonstrate that consistent compliance has been achieved.

The requirement to monitor more frequently must be open-ended and should automatically terminate on a specific date or when a specific contingency has been satisfied.

7.1.3. Rewards for Informants

In order to verify monitoring results, individuals are encouraged to come forward with information about an Industrial User's noncompliance. This information may come from several sources, including Industrial User employees, laboratories conducting the analyses, and honest competitors who discover noncompliance. A reward program can be established by LBCJMA with a base reward up to \$500.00.

7.1.4. Case Referral to EPA/DEP

The Approval Authority also has an option to take independent enforcement action when it deems necessary. Even though LBCJMA's enforcement authorities may be extensive, there may be occasions when it finds it impossible to force a particular Industrial User to achieve consistent compliance. The penalties available to most Approval Authorities are substantially greater than those available to Control Authorities. These larger penalties may have a greater impact on large Industrial Users and be more of a deterrent and force the Industrial User to return to compliance. Even where the Approval Authority undertakes enforcement, LBCJMA is expected to continue to track an Industrial User's compliance and take such additional enforcement actions, including joining the State or Federal action when necessary. Cooperation with the Approval Authority in enforcement actions also provides LBCJMA training in enforcement methods, increases the deterrent value of initial LBCJMA enforcement responses, and results in more constructive public relations by reassuring the community that stringent enforcement of its environmental laws is a reality.

8.0 REMEDIES CUMULATIVE AND CONCURRENT

The remedies provided for in this Resolution are intended to be concurrent and cumulative, and the provisions of this Resolution shall not abridge or alter any right of action or remedy, now or hereafter existing in law, or under the common law or statutory law, criminal or civil, available to the Authority.

8.1 APPEALS

The Industrial User charged with the penalty shall have thirty (30) days to pay the proposed penalty in full, or, if the User wishes to contest either the amount of the penalty or the fact of the violation, the User must file an appeal of the action pursuant to the municipal law or home rule charter or, in the absence of either of these, within thirty (30) days pursuant to 2 Pa.C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty.

SECTION II

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

SECTION III

The provisions of this Resolution, so far as they are the same as those of Resolutions in force immediately prior to the adoption of this Resolution are intended as a continuation of such Resolutions and not as new enactments. The provisions of this Resolution shall not affect any act done or liability incurred, nor shall it alter any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any Resolution repealed by this Resolution. All other Resolutions and parts of other Resolutions inconsistent or conflicting with any part of this Resolution are hereby repealed to the extent of such inconsistency or conflict.

APPENDIX I

MATERIALS REQUIRING APPROVAL PRIOR TO DISCHARGE TO THE SEWER SYSTEM

A. METALS & INORGANICS

Antimony
Arsenic
Asbestos
Beryllium
Cadmium
Chromium
Copper
Cyanide, Total
Lead
Mercury
Nickel
Selenium
Silver
Thallium
Zinc

B. AROMATICS

Aniline
Benzene
Benzoic Acid
Benzyl Chloride
Chlorobenzene
1, 2-Dichlorobenzene
1, 3- Dichlorobenzene
1, 4- Dichlorobenzene
2, 6- Dichlorobenzene
Ethylbenzene
Hexachlorobenzene
Napthenic Acid
Nitrobenzene
Nitrotoluene
Quinoline
Styrene
Toluene
1, 2, 4-Trichlorobenzene
Xylene

C. ESTERS

Bis(2-Chloroethoxy)methane
Bis(2-Chloroethyl)ether
Bis(2-Chloroisopropyl)ether
4-Bromophenylphenylether
2-Chloroethylvinyl Ether
4-Chlorophenylphenylether

D. HALOGENATED HYDROCARBONS

Allyl Chloride
Bromoform
Bromomethane
Carbon Tetrachloride
Chlorodibromomethane
Chloroethane
Chloroform
Chloromethane
Dichlorbromomethane
Dichlorodifluoromethane
1, 1-Dichlorethane
1, 2-Dichlorethane
1, 1-Dichlorethylene
1, 2-Dichloropropane
2, 2-Dichloropropionic Acid
1, 3-Dichloropropylene
Epichlorohydrin
Ethylene Dibromide
Hexachlorobutadiene
Hexachlorocyclopentadiene
Hexachloroethane
Methylene Chloride
Phosgene
1, 1, 2, 2-Tetrachloroethane
Tetrachloroethane
1, 2-Trans-Dichloroethylen
1, 1, 1-Trichloroethane
1, 1, 2-Trichloroethane
Trichloroethylene
Trichlorofluoromethane
Vinyl Chloride

E. NITROGEN COMPOUNDS

Acrylonitrile
Benzidene
Butylamine
3, 3-Dichlorobenzidene
Diethylamine
1, 2-Diphenylhydrazine
Ethylenediamine
Monoethylamine
Monomethylamine
N-Nitrosodimethylamine
N-Nitrosodi-n-propylamine
N-Nitrosodiphenylamine
Triethylamine
Trimethylamine

F. **OXYGENATED COMPOUNDS**

Acetalhyde
Acetic Acid
Acrolein
Adipic Acid
Allyl Alcohol
Amyl Acetate
n-Butyl Acetate
Butyric Acid
Crotonaldehyde
Formaldehyde
Formic Acid
Fumaric Acid
Furfural
Maleic Acid
Methyl Methacrylate
Propionic Acid
Propylene Oxide
Vinyl Acetate

G. **PCB's & RELATED COMPOUNDS**

Arochlor 1016
Arochlor 1221
Arochlor 1232
Arochlor 1242
Arochlor 1248
Arochlor 1254
Arochlor 1260

H. **PESTICIDES**

Aldrin
alpha-BHC
beta-BHC
gamma-BHC
delta-BHC
Captan
Carbaryl
Carbofuran
Carbon Disulfide
Chlorodane
Chloroprifos
Coumaphos
4, 4'-DDD
4, 4'-DDE
4, 4'-DDT
Diazinon
Diacampa
Dichlone
Dichlorobenil
Dichlorvos
Dieldrin

Diquat
Disulfoton
Diuron
Alpha-Endosulfan
Beta-Endosulfan
Endosulfan Sulfate
Endrin
Endrin Aldehyde
Ethion
Guthion
Heptachlor
Heptachlor Epoxide
Isoprene
Kelthane
Kepone
Malathion
Mercaptodimethur
Methyl Parathion
Mevinphos
Mexacarbate
Naled
Parathion
Propargite
Toxaphene
Trichlorion

I. **PHENOLS**

p-Chloro-m-Cresol
2-Chlorophenol
Cresol
2, 4-Dichlorophenol
2, 4-Dimethylphenol
4, 6-Dinitro-o-cresol
4-Dinitrophenol
2-Nitrophenol
4-Nitrophenol
Pentachlorophenol
Phenol
Resorcinol
2, 4, 6-Trichlorophenol

J. **PHTHALATES**

Bis(2-Ethylhexyl)phthalate
Butylbenzylphthalate
Diethyl Phthalate
Dimethyl Phthalate
Di-n-butyl Phthalate
Di-n-octyl Phthalate

APPENDIX 2

LIST OF 126 PRIORITY POLLUTANTS

METALS

Antimony	Cadmium	Lead	Silver
Arsenic	Chromium	Mercury	Thallium
Asbestos	Copper	Nickel	Zinc
Beryllium	Cyanide (Total)	Selenium	

VOLATILE ORGANICS

Acrolein	Chlorobenzene	1, 2-Dichloroethane	1, 1, 2, 2-Tetrachloroethane
Acrylonitrile	Chloroethane	1, 1-Dichloroethylene	Tetrachloroethylene
Benzene	2-Chloroethylvinyl Ether	trans-1, 2-Dichloroethylene	Toluene
Bromodichloromethane	Chloroform	1, 2-Dichloropropane	1, 1, 1-Trichloroethane
Bromoform	Chloromethane	1, 3-Dichloropropylene	1, 1, 2-Trichloroethane
Bromomethane	Dibromochloromethane	Ethylbenzene	Trichloroethylene
Carbon Tetrachloride	1, 1-Dichloroethane	Methylene Chloride	Vinyl Chloride

ACID EXTRACTABLES

p-Chloro-m-Cresol	2, 4-Dimethylphenol	2-Nitrophenol	Phenol
2-Chlorophenol	4, 6-Dinitro-o-cresol	4-Nitrophenol	2, 4, 6-Trichlorophenol
2, 4-Dichlorophenol	2, 4-Dinitrophenol	Pentachlorophenol	

BASE/NEUTRAL EXTRACTABLES

Acenaphthene	Bis(2-ethylhexyl)phthalate	Di-n-butyl Phthalate	Indenol (1, 2, 3-cd) pyrene
Acenaphthylene	4-Bromophenylphenylether	2, 4-Dinitrotoluene	Isophorone
Anthracene	Butylbenzylphthalate	2, 6-Dinitrotoluene	Naphthalene
Benzidine	2-Chloronaphthalene	Di-n-octyl Phthalate	Nitrobenzene
Benzo(a)anthracene	4-Chlorophenylphenylether	1, 2-Diphenylhydrazine	N-Nitrosodimethylamine
Benzo(a)pyrene	Chrysene	Fluoranthene	N-Nitrosodi-n-propylamine
Benzo (b) fluoranthene	Dibenzo (a, h) anthracene	Fluorene	N-Phenanthrene
Nitrosodiphenylamine	1,2-Dichlorobenzene	Hexachlorobenzene	Pyrene
Benzo (k) fluoranthene	1,3-Dichlorobenzene	Hexachlorobutadiene	1,2,4-Trichlorobenzene
Benzo(ghi)perylene	1,4-Dichlorobenzene	Hexachlorocyclopentadiene	Hexachloroethane
Bis (2-chloroethyl)ether	3,3-Dichlorobenzidine	Bis (2-chloroethoxy)methane	Bis (2-chloroisopropyl)ether
Diethyl Phthalate	Dimethyl Phthalate		

PESTICIDES/PCB's

Aldrin	4, 4-DDE	Endrin Aldehyde	PCB-1248
alpha-BHC	4, 4-DDT	Heptachlor	PCB-1254
beta-BHC	Dieldrin	Heptachlor Epoxide	PCB-1260
gamma-BHC	alpha-Endosulfan	PCB-1016	2,3,7,8-Tetrachlorodibenzo
delta-BHC	beta-Endosulfan	PCB-1221	p-dioxin(TCDD)
Chlorodane	Endosulfan Sulfate	PCB-1232	Toxaphene
4, 4-DDD	Endrin	PCB-1242	

K. POLYNUCLEAR AROMATIC HYDROCARBONS

Acenaphthene
Acenaphthylene
Anthracene
Benzo(a)anthracene
Benzo(a)pyrene
Benzo(b)fluoranthene
2-Chloronaphthalene
Chrysene
Dibenzo(ah)anthracene
Fluoroanthene
Fluorene
Ideno (1, 2, 3-cd) pyrene
Naphthalene
Phenanthrene
Pyrene

L. MISCELLANEOUS

Cyclohexane
Dodecyl Benzenesulfonic Acid
Isophorene
Methyl Mercaptan
Strychnine
2, 3, 7, 8-Tetrachlorodibenzo-p-dioxin
Zinc Phenosulfonate

1. The 126 Priority Pollutants are added to this list.
2. The Authority reserves the right to add or subtract compounds from these lists without notice.

EXHIBIT A: FINES FOR CIVIL PENALTIES

WHEREAS, Lower Bucks County Joint Municipal Authority is a municipal authority duly created under and pursuant to the Municipal Authorities Act of 1945 of the Commonwealth of Pennsylvania; and,

WHEREAS, Lower Bucks County Joint Municipal Authority is what is known as a publicly owned treatment works as that term is defined by Section 212 of the Federal Water Pollution Control Act (62 Stat. 1155, 33 U.S.C. § 1251 et seq.) and is owned by municipalities as defined in Section 502(4) (33 U.S.C.A. 1362(4)) of the Federal Water Pollution Control Act; and,

WHEREAS, municipalities served by Lower Bucks County Joint Municipal Authority have enacted Pretreatment Ordinances pursuant to the mandates of the federal and state laws for enforcement of pretreatment standard; and,

WHEREAS, the Commonwealth of Pennsylvania has an Act known as the Publicly Owned Treatment Works Penalty Law, Public Law 32, March 26, 1992, Sections 35 P.S. § 752.1 et seq; and,

WHEREAS, the Board of Directors of Lower Bucks County Joint Municipal Authority wishes to enact, pursuant to the legislative findings of the Publicly Owned Treatment Works Penalty Law, a Resolution which may assess civil penalties upon an industrial user for violations of Lower Bucks County Joint Municipal Authority's approved pretreatment program; and,

WHEREAS, an "industrial user" is defined in the Publicly Owned Treatment Works Penalty Law as, "an establishment which discharges or introduces industrial wastes into a publicly owned treatment works"; and,

NOW, THEREFORE, in consideration thereof, the Board of Directors of Lower Bucks County Joint Municipal Authority at a public meeting enacts a set of fines for civil penalties for violation of pretreatment standards and/or requirements per the exhibit attached to this Resolution, made a part hereof and marked Exhibit "A" to this Resolution.

Further, be it enacted that under and pursuant to the Publicly Owned Treatment Works Penalty Law, the administration of Lower Bucks County Joint Municipal Authority is instructed that each industrial discharger participating in the pretreatment program shall be given a written notice of this civil assessment policy.

Further, be it enacted that this Resolution shall be advertised in a newspaper of general circulation in the area service by Lower Bucks County Joint Municipal Authority one (1) time per week for three (3) consecutive weeks so that the Policy of the Act as set forth in 35 P.S. § 752.4(c) that this Board shall not only adopt a formal civil written penalty assessment policy, but make it publicly available and said notice shall note that the Act and this Resolution are made publicly available for examination; and,

As part of the Act, and as the Act requires, not only shall each industrial discharger participating in the pretreatment program be given written notice of the policy but, also that the Authority shall include, as part of the notice of an assessment of civil penalties, a

description of the applicable appeals process to be followed, including the name, address, and telephone number of the person responsible for accepting such an appeal.

Under and pursuant to 35 P.S. § 752.7 (b), the notice regarding an appeal shall be as follows:

The industrial user charged with the penalty shall have thirty (30) days to pay the proposed penalty in full, or, if the industrial user wishes to contest either the amount of the penalty or the fact of violation, the industrial user must file an appeal of the action pursuant to the municipal law or home rule law or, in the absence of either these, within thirty (30) days pursuant to 2 Pa. C.S. (relating to administrative law and procedure). Failure to appeal within this period shall result in a waiver of all legal rights to contest the violation or the amount of the penalty; and,

Furthermore, that the notice shall contain the following information with regard to the appeal, that under and pursuant to 2 Pa. C.S.A. § 751 referencing Judicial Review of Local Agency Action, notice shall state as follows:

Any person aggrieved by an adjudication of a local agency who has a direct interest in such adjudication shall have the right to appeal therefrom to the court vested with jurisdiction of such appeals by or pursuant to Title 42 (relating to judiciary and judicial procedure).

RESOLVED, this 28th day of JANUARY, 2021 by vote of the Board of Directors of Lower Bucks County Joint Municipal Authority.

ATTEST:

LOWER BUCKS COUNTY
JOINT MUNICIPAL AUTHORITY

C. Murphy
SECRETARY

Joseph B. Gamm
CHAIRMAN

Violation	Administrative Fine				
	1 st	2 nd	3 rd	4 th	5 th
1. Unauthorized discharge, no permit, harm to POTW	\$ 1,000	\$ 5,000	\$ 10,000	\$ 15,000	\$ 25,000
	<i>(Plus POTW Expenses)</i>				
2. Failure to submit permit application within 30 days of due date	\$ 100	\$ 200	\$ 300	\$ 400	\$ 500
	<i>(Per Day Until Application Submitted)</i>				
3. Unauthorized waste stream discharge, no harm to POTW	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000
	<i>(Flat Rate)</i>				
4. Unauthorized waste stream discharge, harm to POTW	\$ 1,000	\$ 5,000	\$ 10,000	\$ 15,000	\$ 25,000
	<i>(Plus POTW Expenses)</i>				
5. Waste streams are diluted in lieu of treatment	\$ 500	\$ 1,000	\$ 2,000	\$ 4,000	\$ 5,000
	<i>(Per Day)</i>				
6. Exceed local permit limit or federal standard significant (recurring but causes no harm to POTW)	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000
	<i>(Flat Rate)</i>				
7. Exceed local permit limit or federal standard significant (recurring and causes harm to POTW)	\$ 1,000	\$ 5,000	\$ 10,000	\$ 15,000	\$ 25,000
	<i>(Per Day Plus POTW Expenses)</i>				
8. Recurring failure to submit more frequent self-monitoring information	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000
	<i>(Flat Rate)</i>				
9. Filing late reports (>30 days), or no reports at all	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000
	<i>(Flat Rate)</i>				
10. Reports improperly signed or certified after NOV issued by POTW	\$ 100	\$ 200	\$ 300	\$ 400	\$ 500
	<i>(Per Day Until Properly Signed Report is Submitted)</i>				
11. Falsification of reports	\$ 1,000	\$ 2,000	\$ 3,000	\$ 4,000	\$ 5,000
	<i>(Flat Rate)</i>				
12. Reported spill, harm to POTW	\$ 1,000	\$ 2,500	\$ 5,000	\$ 7,500	\$ 10,000
	<i>(Plus POTW Expenses)</i>				
13. Unreported spill, harm to POTW	\$ 1,000	\$ 5,000	\$ 10,000	\$ 15,000	\$ 25,000
	<i>(Plus POTW Expenses)</i>				
14. Unreported changed discharge, harm to POTW	\$ 1,000	\$ 5,000	\$ 10,000	\$ 15,000	\$ 25,000
	<i>(Plus POTW Expenses)</i>				
15. Recurring failure to monitor all pollutants as required by permit	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000
	<i>(Per Day)</i>				
16. Improper sampling, evidence of intent	\$ 500	\$ 1,000	\$ 2,000	\$ 4,000	\$ 5,000
	<i>(Flat Rate)</i>				
17. Failure to install monitoring equipment (delay >30 days)	\$ 500	\$ 1,000	\$ 2,000	\$ 4,000	\$ 5,000
	<i>(Per Day)</i>				
18. Failure to properly operate and maintain pretreatment equipment, causes harm to POTW	\$ 1,000	\$ 5,000	\$ 10,000	\$ 15,000	\$ 25,000
	<i>(Plus POTW Expenses)</i>				
19. Failure to meet compliance schedule milestone by >30 days, will affect final milestone, good cause for delay	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
	<i>(Flat Rate)</i>				
20. Failure to meet compliance schedule milestone by >30 days, will affect final milestone, no good cause for delay	\$ 1,000	\$ 2,000	\$ 5,000	\$ 7,500	\$ 10,000
	<i>(Per Day)</i>				
21. Entry denied or consent withdrawn, copies of records denied	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000	\$ 1,000
	<i>(Per Day)</i>				
22. Recurring inadequate recordkeeping	\$ 200	\$ 400	\$ 600	\$ 800	\$ 1,000
	<i>(Flat Rate)</i>				