

# BRODHEAD CREEK REGIONAL AUTHORITY WASTEWATER RULES AND REGULATIONS

## ARTICLE I POLICY AND PURPOSE

The Rules and Regulations set forth uniform requirements for contributors to the Brodhead Creek Regional Authority's Wastewater Treatment Plant through the independently owned municipal collection systems (the Publicly Owned Treatment Works ("POTW")) thereby allowing the Authority to comply with applicable State and Federal laws, and rules and regulations regarding the Discharge of Wastewater including, but not limited to, the Authority's NPDES Permit and DRBC Docket, the Federal Water Pollution Control Act (Clean Water Act) of 1977 (33 U.S.C.§1251, *et seq.*), the General Pretreatment Regulations (40 C.F.R., Part 403), National Categorical Pretreatment Standards (13 U.S.C.§1347) and Title II of the Solid Waste Disposal Act (42 U.S.C.§6901, *et seq.*, also known as the Resource Conservation and Recovery Act) and its implementing regulations (40 C.F.R.§261), and the Pennsylvania Sewage Facilities Act (35 P.S.§§750.1,*et seq.*)

The objectives of the Rules and Regulations are:

- (1) To prevent the introduction of Pollutants into the POTW which will interfere with the operation of the system or contaminate the resulting sludge;
- (2) To prevent the introduction of Pollutants into the POTW which will pass through the system, inadequately treated, into the receiving waters or the atmosphere or otherwise be incompatible with the system;
- (3) To improve the opportunity to recycle and reclaim Wastewaters and sludges from the system; and
- (4) To provide for equitable distribution of the operating cost of the Wastewater Treatment Plant.

(5) To establish the obligations and duties of the Collection System Owners (CSO) as same relate to the individual Discharges of Wastewater by their customers through the Collection System of the Wastewater Service Area.

(6) To impose upon each CSO an obligation to maintain a level of influent Discharged (for hydraulic, organic, and dissolved solids limits) within established parameters as set forth in the Cooperation Agreement, Treatment Agreements, or as may be required by Legal Requirements.

(7) To establish responsibility and impose obligations and duties for Persons Discharging Commercial Waste into the POTW to comply with Legal Requirements and these Rules and Regulations.

(8) To establish a Pretreatment Program for Significant Industrial Users through the use of a Wastewater Discharge Permit in order to protect the POTW and the receiving waters.

(9) To establish penalties for Users Discharging Wastes into the POTW in violation of these Rules and Regulations, and, where applicable, WDPs.

These Rules and Regulations are intended to assist the Authority in ensuring compliance with the above obligations. The Rules and Regulations shall apply to all CSOs and CS Customers. The obligation to ensure compliance with the Rules and Regulations by individual customers of the respective Collective Systems shall primarily reside with the CSO. The intent of the provisions relating to the WDP is to authorize the Authority to have primary enforcement and regulatory control of Significant Industrial Users Discharging Commercial Wastes into the POTW by establishing a Pretreatment Program, as authorized by the Cooperation Agreement and the Treatment Agreements. The Authority shall regulate Significant Industrial Users, Categorical Discharges and violative Commercial Wastes through the establishment of a

Pretreatment Program and the use of Wastewater Discharge Permits. The Authority shall have primary enforcement regulatory authority for all Dischargers required to be in its Industrial Pretreatment Program and/or to obtain an Authority-issued Wastewater Discharge Permit. The CSOs shall have primary enforcement and regulatory control of fats, oils, and grease Discharged into their respective Collection Systems, excluding Discharges which are also subject to Industrial Pretreatment Requirements. The Authority shall retain control of all aspects of the Industrial Pretreatment Program.

In order to achieve the requirements of the Cooperation Agreement and Treatment Agreement, each CSO shall implement these Rules and Regulations in conjunction with the official Rules and Regulations for their respective Collection System. The Pretreatment Rules and Regulations shall be adopted by the Wastewater Municipalities by ordinance (Borough of Stroudsburg and the Townships of Pocono, Hamilton, and Stroud). It is the obligation of any CSO which expands its service area beyond its municipal boundary to ensure that any other municipality whose citizens contribute to the POTW pass the Pretreatment Rules and Regulations by ordinance. Each ordinance shall also designate the Authority as an agent of the Wastewater Municipality and the CSO for the purpose of enforcing the Authority's Pretreatment Program and compliance with Legal Requirements.

This procedure will allow the Authority to implement a uniform set of Industrial Pretreatment Rules and Regulations governing the three (3) existing Collection Systems and their Customers. The purpose of establishing a uniform set of Industrial Pretreatment Rules and Regulations is to ensure that each CSO and their respective customers are treated fairly, all the while, protecting the investment that each Wastewater Municipality has made in its own Collection System and the Wastewater Treatment Plant.

**ARTICLE II**  
**DEFINITIONS AND ABBREVIATIONS**

**Section 1: Defined Terms for Article III.**

The terms defined in Article II, Section 2 below, whenever used or referred to in other Articles of these Rules and Regulations, shall have the respective meanings indicated or incorporated herein unless a different meaning clearly appears from the context. All defined terms will appear as capitalized terms. If there is a difference between the definitions contained in these Rules and Regulations and the definitions contained in the respective Sewage Treatment Agreements, then those differences shall be first interpreted to reconcile the meaning of the definitions. If a conflict exists between the definitions which are non-reconcilable, then the definitions in the Sewage Treatment Agreements prevail for the purpose of interpreting Article III regarding Collection System Owners liabilities and responsibilities.

**Section 2: Defined Terms for Articles IV, V, and VI.**

The terms defined in this Section, whenever used or referred to in these Rules and Regulations, shall have the respective meanings indicated or incorporated herein unless a different meaning clearly appears from the context. All defined terms will appear as capitalized terms.

## DEFINITIONS AND ABBREVIATIONS

***“The Act”*** shall mean the Municipalities Authorities Act of the General Assembly of the Commonwealth of Pennsylvania approved May 2, 1945, P.L. 382, as continued by an Act of the General Assembly of the Commonwealth of Pennsylvania approved June 19, 2001, P.L. 22 (53 P.S. §§5601 *et seq.*).

***“Act 167 Plan”*** shall mean the Act 167 Brodhead-McMichaels Creek Watershed Stormwater Management Plan in effect in each municipality in the Act 537 service area and as approved by the DRBC, as the same may be amended from time to time.

***“Act 537 Plan”*** shall mean the “Official Act 537 Plan Update Regional Sewage Facilities Plan for Stroud Township, Stroudsburg Borough, Pocono Township, and Hamilton Township, Monroe County, Pennsylvania dated May, 2009” prepared for the Authority, as the same may be amended, supplemented, restated or superseded from time to time.

***“Ammonia-Nitrogen (NH<sub>3</sub>-N)”*** shall mean ammonia-nitrogen determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

***“Approval Authority”*** shall mean the Administrator of the EPA Program.

***“Authority”*** shall mean the Brodhead Creek Regional Authority, a municipality authority existing and governed under the Act, acting by and through its Board, and including any authorized Persons acting on its behalf.

***“Authority Manager”*** shall mean the individual, appointed by the Authority’s Board of Directors, responsible for the day-to-day operation of the Authority and the

administration of Authority Rules and Regulations applying to Users discharging Wastewater to the POTW. The term “Authority Manager” shall also include his or her designee.

***“Authorized Representative”*** shall mean a representative of a CS Customer as follows: (a) by a responsible corporate officer, if the Commercial CS Customer submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means either of the following:

i. A president, secretary, treasurer, or vice-president 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

ii. The manager of one or more manufacturing, production, or operating 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 ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(b) By a general partner or proprietor if the Commercial CS Customer submitting the documents is a partnership or sole proprietorship, respectively.

(c) The principal executive officer or director having responsibility for the overall operation of the Discharging Facility if the Commercial CS Customer submitting the documents is a federal, state, or local governmental entity, or their agents.

(d) By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this section if:

i. the authorization is made in writing by the individual described in paragraph (a), (b), or (c);

ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a Wastewater superintendent, or a position of equivalent responsibility, or having overall responsibility of environmental matters for the company; and

iii. the written authorization is submitted to the Authority.

**“Authority Wastewater Engineer”** shall mean a Person or Persons appointed by Authority as its consulting engineer, qualified to pass upon engineering questions relating to the Treatment Plant, and having a favorable reputation for skill and experience in supervising the design, construction and operation of such facilities. If such Person is an individual, he shall be a professional engineer duly registered under laws of the Commonwealth. If such Person is a partnership, corporation or association, it shall have a partner, officer, employee or member who is a professional engineer duly registered under laws of the Commonwealth.

**“Best Management Practices” (BMP)** shall mean the technical guidance accepted as industry standard and as established by the Authority, EPA, and/or DEP so as to implement

the purpose of §435(a) (i) and (b) of the Clean Water Act as it exists or as modified from time to time.

**“Black Water”** shall mean any sewage or sanitary Wastewater.

**“Board”** shall mean the Board of Directors of the Authority.

**“BOD-5/Biochemical Oxygen Demand”** shall mean the quantity of oxygen, expressed in milligrams per liter, utilized in the carbonaceous biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20°) degrees centigrade, which standard laboratory procedure shall be as set forth in the latest publication of 40 CFR Part 136 or any successor regulation.

**“Borough Code”** shall mean the Borough Code of the Commonwealth of Pennsylvania found at Pa.C.S.A. 53 P.S. §§48101, *et seq.*

**“Bypass”** shall mean the intentional diversion of wastes from any portion of a treatment facility.

**“Chemical Oxygen Demand” (COD)** shall mean the chemical reaction of any substance which exhibits oxygenation in the presence of a strong oxidizer expressed in mg/L.

**“Chief Operator”** shall mean the individual, licensed by the Commonwealth of Pennsylvania, responsible for the day to day operation of the Treatment Plant and works in conjunction with the Authority Manager in the implementation of the regulations controlling Discharges into the POTW.

**“Clean Water 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.*

**“Collection Systems”** shall mean, collectively, the Stroud Collection System, the Stroudsburg Collection System, the Pocono Collection

System, and any sewage collection and conveyance systems owned by new Wastewater Municipalities joining the Wastewater System pursuant to the Cooperation Agreement.

**“Collection Systems Owners” (CSO)** shall mean Stroud Township and the Stroud Township Sewer Authority, Pocono Township, the Borough of Stroudsburg, and any new Wastewater Municipalities which join the Wastewater System pursuant to the terms of the Cooperation Agreement. This term shall also collectively include the term “Wastewater Municipalities” unless the context clearly delineates a separation.

**“Combined Sewer”** shall mean a sewer designed to receive both sewage and storm water runoff which has been approved for such purpose.

**“Commercial CS Customer”** shall mean any non-residential CS Customer.

**“Commercial Waste”** shall mean any liquid, gaseous or water-borne Wastes from industrial processes or commercial establishments.

**“Commonwealth/State”** shall mean the Commonwealth of Pennsylvania.

**“Common Grease Interceptor”** shall mean a device to which grease Wastes are directed from more than one facility having different operations.

**“Composite Sample”** shall mean a sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample collected either as a constant sample

volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

**“Control Authority”** shall mean the Authority.

**“Cooling Water”** shall mean the water Discharged from any such use as air conditioning, cooling, or refrigeration, or to which the only Pollutant added is heat which shall be differentiated as follows:

(a) Uncontaminated shall mean water used for cooling purposes only that has no direct contact with any raw material, intermediate, or final product and that does not contain a level of contaminants detectably higher than that of the intake water.

(b) Contaminated shall mean water used for cooling purposes only that might become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials or Wastewater.

**“Cooperation Agreement”** shall mean the Amended and Restated Intermunicipal Cooperation Agreement dated May 1, 2010, as well as the First Supplement to the Amended and Restated Intermunicipal Cooperation Agreement dated November 1, 2010, all between the Borough of Stroudsburg, the Township of Hamilton, the Township of Pocono, the Township of Smithfield, the Township of Stroud, the Stroud Township Sewer Authority and the Brodhead Creek Regional Authority, and any subsequent amendment thereto.

**“CS Customer”** shall mean a Person who has been authorized by a Collection System Owner to deposit Waste into a Collection System and which is contractually or legally obligated to pay the Collection System Owner for use of

that Collection System. The CS Customer is responsible to assure that each User, who has been authorized to deposit waste into that CS Customer's sewer lateral, deposits such waste in accordance with all Federal, State, and Local disposal laws, and rules and regulations.

**"Customer"** shall mean a Person, including a Collection System Owner, or CS Customer, which contractually utilizes the Treatment Plant as authorized by the Authority and who is responsible for payment therefor, as provided by the Cooperation Agreement and/or a Sewage Treatment Agreement.

**"Daily Average Flow" (DAF)** shall mean the average quantity of influent Wastewater/treated effluent measured over a twenty-four (24) hour period averaged over a single month, expressed in GPD or MGD.

**"Daily Maximum"** shall mean the arithmetic average of all effluent samples for a pollutant collected during a calendar day.

**"Daily Maximum Limit"** shall mean the maximum allowable discharge limit of a pollutant during a calendar day. Where daily maximum limits are expressed in units of mass, the daily discharge is the total mass discharged over the course of the day. Where daily maximum limits are expressed in terms of a concentration, the daily discharge is the arithmetic average measurement of the pollutant concentration derived from all measurements taken that day.

**"DEP"** shall mean the Department of Environmental Protection of the Commonwealth or any successor Commonwealth departments or agencies having statutory responsibility for regulating or permitting the Treatment Plant.

**"Developed Property"** shall mean any property within the Act 537 Plan service area which was an Improved Property on the date a mandatory

connection notice to connect that property to the Collection System was issued by a CSO.

**"Discharge"** shall mean either: (1) when used in terms of Waste or Wastewater entering a Collection System or the Treatment Plant, the introduction of Pollutants into the POTW from a Collection System or any non-domestic source regulated under Section 307(b), (c), or (d) of the Clean Water Act; or (2) when used in terms of Pollutants entering waters of the United States from the Treatment Plant, the meaning provided in Section 502 of the Clean Water Act.

**"Domestic Wastes"** shall mean the normal water-borne Wastes from a typical Dwelling Unit.

**"DRBC"** shall mean the Delaware River Basin Commission, having regulatory powers over the effluent Discharged by the Treatment Plant and its receiving stream.

**"DRBC Project or Docket"** shall mean the DRBC Docket No. D-1986-011 CP-3 dated May 8, 2013, as the same may be amended and in effect from time to time.

**"Dwelling Unit"** shall mean any single family home, apartment unit, condominium, room, group of rooms, house trailer or other enclosure occupied or intended for single family residential occupancy.

**"Effluent Limit"** shall mean the effluent limitations set forth in **Exhibits "A" and "E"** of the Sewage Treatment Agreements for the purposes of Article III, as the same may be revised from time to time by applicable Legal Requirements as defined and set forth in the Cooperation Agreement and the Sewage Treatment Agreements and together with other limitations imposed by Regulatory Authorities from time to time, on Pollutants discharged from the Treatment Plant; or for an SIU, Effluent Limit shall mean the effluent limitations as set forth in a Wastewater



Discharge Permit issued by the Authority, including limits established by Legal Requirements for Commercial Waste Discharged into or from the Treatment Plant.

**“EPA”** shall mean the United States Environmental Protection Agency or any successor federal department or agency having statutory responsibility for regulating or permitting the Treatment Plant.

**“Existing Commercial CS Customer”** shall mean a Commercial CS Customer which is connected to a Collection System and is not establishing a New Connection.

**“Extra Strength Wastes”** shall mean:

(a) Wastewater which exceeds the Influent Limits established for a Collection System as set forth in the CSOs’ respective Sewage Treatment Agreements and/or Wastewater, which has a composition in excess of the respective constituent limits set forth in their respective Sewage Treatment Agreements, as otherwise mandated from time to time by any Regulatory Authority; or

(b) Wastewater Discharged by an SIU which exceeds the Influent Limits established for a Wastewater Discharge Permit and has a composition in excess of the authorized Discharge constituent limits set forth in the SIUs WDP, as otherwise mandated from time to time by any Regulatory Authority.

**“Fats, Oils, and Grease (FOG)”** shall mean fats, oils and grease as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

**“First Class Township Code”** shall mean the First Class Township Code of the Commonwealth of Pennsylvania, found at Pa.C.S.A. 53 P.S. §§ 55101, et seq.

**“Food Processing Facility (FPF)”** shall mean any facility which commercially cuts, cooks, bakes, prepares, or serves food, or which disposes of food related Wastes. This definition includes but is not limited to restaurants, food courts, bulk service kitchens, cafeterias and food manufacturing plants, and adult care facilities.

**“Garbage”** shall mean solid Wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

**“General Pretreatment Regulations”** shall mean the General Pretreatment Regulations found at 40 C.F.S. Part 403.

**“Grab Sample”** shall mean a single “dip and take” sample collected at a representative point in the Discharge stream in less than fifteen (15) minutes without regard to flow or time.

**“GPD”** shall mean gallons of Wastewater Discharged during a twenty-four (24) hour period commencing 12:00 midnight, prevailing time, on any particular calendar day and ending at 12:00 midnight, prevailing time the following calendar day.

**“Grease Interceptor”** shall mean a large tank or device so constructed as to separate and trap or hold fats, oil, and grease substances from the sewage discharged from a facility in order to keep fats, oil, and grease substances from entering the Collection System.

**“Hamilton”** shall mean the Township of Hamilton, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

**“Hauler”** shall mean one who transfers Waste from the site of a user to an approved site for disposal or treatment. The hauler is

responsible for assuring that all Federal, State, and local regulations are followed regarding Waste transport.

**“Hydraulic Allocation”** shall mean the proportional quantity of Treatment Capacity assigned to each Wastewater Municipality expressed in GPD or MGD as set forth in their respective Sewage Treatment Agreements except as may be adjusted from time to time by the Authority (1) in order to comply with requirements of Regulatory Authorities or as may be necessary to safeguard the continued operation of the Treatment Plant or as the Wastewater Municipalities may otherwise agree; (2) resulting from a Capital Project; or (3) resulting from an increase or decrease in the Rated Capacity.

**“Improved Property”** shall mean any property within the Regional Act 537 service area, as may be amended, upon which there is constructed/erected a commercial, residential or industrial structure currently being utilized for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure Wastewater shall or may be Discharged into a Collection System.

**“Industrial User”** shall mean a source of Discharge into a Collection System from a process or processes involved in the manufacturing of a product or rendering of a service.

**“Inflow and Infiltration (I&I)”** shall mean any surface water, ground water, or precipitation which enters a Collection System by any means.

**“Influent Limits”** shall mean the Influent Waste limitations and total dissolved solids limitations as set forth herein in both constituent concentration (mg/L) or daily load (ppd), as the same may be revised from time to time by applicable Legal Requirements and together with other limitations imposed by Regulatory Authorities from time to time on Wastewater

treated at the Treatment Plant. Influent Limits for Wastewater Discharge Permittees are set forth in Section F of the WD Permit.

**“Instantaneous Maximum Concentration”** shall mean the maximum limit allowable concentration of a Pollutant determined from the analysis of any discrete or composited sample collected independent of the industrial flow rate and the duration of the sampling event.

**“Instantaneous Measurement”** shall mean an Instantaneous Measurement for the monitoring requirements of this permit is defined as a single reading, observation, or measurement.

**“Interference”** shall mean a Discharge from a Collection System and/or from an SIU issued a WDP which, alone or in conjunction with a Discharge or Discharges from other sources, inhibits or disrupts the Treatment Plant, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the NPDES Permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent Commonwealth or local regulations: Section 405 of the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §§1251, *et seq.*; the Solid Waste Disposal Act, including Title II, commonly referred to as the Resource Conservation and Recovery Act (RCRA); all applicable Commonwealth laws and regulations contained in any Commonwealth sludge management plan prepared pursuant to Schedule D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.

**“Instantaneous Peak Flow”** shall mean the peak quantity of influent Wastewater/treated

effluent measured at a single point in time, expressed in GPD or MGD.

**“IPP”** shall mean the Industrial Pretreatment Program established by the Authority and adopted by a CSO, as the same may be amended, supplemented, replaced or superseded from time to time.

**“IPP Facility”** shall mean any structure or device constructed or maintained by a Significant Industrial User at SIU’s expense in order to meet compliance with its IPP permit limitations.

**“IPP Monitoring Facility”** shall mean any monitoring facility used by a CSO, SIU, or the Authority for the purpose of monitoring Wastewater Discharge from an SIU’s facility.

**“IPP Notice of Violation”** shall mean the notice sent to a Significant Industrial User by the Authority for violation of any Industrial Pretreatment Permit condition or requirement.

**“IPP Surcharge Notice”** shall mean the notice sent to a Significant Industrial User by the Authority for violation of Extra Strength Waste under the Rules and Regulations set forth herein.

**“Legal Requirements”** shall mean, collectively, all applicable environmental (including influent, treatment and Discharge standards and permits then in effect), land use or other laws, regulations, orders, ordinances, codes, restrictions, permits and other requirements imposed by Regulatory Authorities or by agreement of the Municipalities including but not limited to the Cooperation Agreement and the respective Sewage Treatment Agreements.

**“Lower Explosive Limit”** shall mean the lower limit of flammability or explosibility of a gas or vapor at ordinary ambient temperatures expressed in percent of the gas vapor in air by volume.

**“May”** when used shall mean an action which is permissive.

**“Maximum Day Flow” (MDF)** shall mean the maximum quantity of influent wastewater/treated effluent measured over a twenty-four (24) hour period, expressed in GPD or MGD.

**“Medical Waste”** shall mean “Infectious Waste” or “Chemotherapeutic Waste” as those terms are defined in 25 Pa.Code §271.1 or any successor regulation. The term “Medical Waste” does not include substances which have been disinfected or inactivated in accordance with a DEP permit authorized pursuant to 25 Pa.Code Ch. 284.

**“MGD”** shall mean millions of GPD of Wastewater.

**“Monitoring Frequency”** shall mean:

(a) Daily Monitoring Frequency (DMF) shall mean sampling which is required each and every day with a reporting requirement on the 15<sup>th</sup> of the succeeding month in which the samples were taken.

(b) Quarterly Monitoring Frequency (QMF) shall mean sampling which is required every three (3) months or in default of a specific three (3) month period, March, June, September, and December. If there is no Discharge from the sample month, Permittee shall sample during the month in which the Discharge is available. Quarterly sampling shall consist of three (3) samples collected in a two (2) week period.

(c) Semiannual Monitoring Frequency (SMF) shall mean that sampling is required in the months of June and December. Semiannual sample shall consist of three (3) samples collected in a two (2) week period.

(d) Annual Monitoring Frequency (AMF) shall mean that sampling is required in the month of June. If there is no Discharge during the sampling month, Permittee shall sample during the earliest subsequent month when Discharge is available. Annually sample shall consist of a single sample collected at any time during the appropriate month.

(e) A Permit Issuance Frequency (PIF) shall mean that sampling is required within six (6) months of the issuance/renewal of the permit. A Permit Issuance sample shall consist of a single sample collected at any time during the appropriate time period.

**“Monthly Average”** shall mean the arithmetic mean of the values for effluent samples collected during a calendar month or specified thirty (30) day period (as opposed to a rolling thirty (30) day window).

**“Municipality” and “Municipalities”** shall mean, individually and collectively, Stroud, Stroudsburg, Pocono, Hamilton and Smithfield and each New Member, as approved, pursuant to the Cooperation Agreement.

**“National Categorical Pretreatment Standard or Pretreatment Standard”** shall mean any regulation containing Pollution Discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1347) which applies to a specific category of Industrial Users.

**“National Prohibitive Discharge Standard or Prohibitive Discharge Standard”** shall mean any regulation developed under the authority of 307(b) of the Clean Water Act and 40 C.F.R., §403.5.

**“New Commercial CS Customer”** shall mean a Commercial CS Customer which is establishing a New Connection.

**“New Connection”** shall mean either (1) the physical connection for the first time on or after October 22, 2009 of a building, facility or parcel to a Collection System or (2) any significant change in quality or quantity of Wastewater associated with a use of an existing connection to service additional parcels or land areas beyond the area previously approved for connection.

**“Nitrate Nitrogen”** shall mean total nitrate nitrogen as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136, or any successor regulation.

**“Noncompliance”** shall mean a violation of a condition or requirement for discharge by a User provided for by a Legal Requirement, these Rules and Regulations, and/or a permit issued by the Authority.

**“Non-Significant Categorical Industrial User”** shall mean an Industrial User subject to categorical Pretreatment Standards under 40 C.F.R. §403.6 and 40 C.F.R. Chapter 1, Subchapter N which, as determined upon a finding by the Authority, never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

(i) The Industrial User, prior to the Authority’s finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

(ii) The Industrial User annually submits the certification statement required in 40 C.F.R. §403.12(q) together with any additional information necessary to support the certification statement;

(iii) The Industrial User never discharges any untreated concentrated Wastewater; and

(iv) The Industrial User has been issued a WDP by the Authority for a five (5) year period in which there have been no violations.

**“North American Industrial Classification System” (NAICS)** shall mean a system used by government and businesses to classify the type of economic activity at a particular government or business establishment according to the primary activity taking place at that particular location. This system is widely used in Canada, Mexico and the United States.

**“NPSPCP”** shall mean a Non-Point Source Pollution Control Plan.

**“Occupied Building”** shall mean any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary Wastewater is or may be Discharged.

**“Organic Allocation”** shall mean that portion of the Treatment Plant’s design organic capacity that has been allocated, or assigned, by or to a Collection System Owner, an individual municipality or individual Discharger to the POTW, pursuant to the respective Sewage Treatment Agreements or a Wastewater Discharge Permit issued by the Authority.

**“Organic Loading”** shall mean the pound of Biochemical Oxygen Demand, expressed as pound of BOD/Day, contained in the influent to the Treatment Plant in any given twenty-four (24) hour period. The organic load is calculated using the following formula:

$$\text{Biochemical Oxygen Demand, mg/l} \times \text{Flow, MGD} \times 8.34 = \text{Organic Loading as Lbs. BOD/Day}$$

**“PaPUC”** shall mean the Pennsylvania Public Utility Commission, and any successor commission or agency thereof.

**“Pass Through”** shall mean a Discharge from a Collection System which exits the Treatment Plant 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 NPDES Permit, including an increase in the magnitude or duration of a violation.

**“Peak Hour Flow” (PHF)** shall mean the peak quantity of influent Wastewater/treated effluent measured over any one-hour period, expressed in GPD or MGD.

**“Person”** or **“Persons”** shall mean an individual, a partnership, an association, a corporation, a joint stock company, a non-profit corporation, a limited liability company, a trust, an unincorporated association, a municipality, a municipality authority or any other group or legal entity recognized as legally existing.

**“Pocono”** shall mean the Township of Pocono, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its governing body, and acting on behalf of the users within Pocono and Hamilton attached to the Pocono Collection System, and including any authorized Person acting on its behalf.

**“Pocono Service Area”** shall be the area served by the Pocono Collection System as described in the Act 537 Plan and co-terminus with the areas served by the Authority in Pocono, Hamilton, and Tobyhanna Townships set forth in the DRBC Project Approval.

**“Pocono Collection System”** shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties being constructed by Pocono and, upon completion, to be owned, operated and maintained by or on behalf of Pocono, together with any additional facilities and properties and extensions thereof that hereafter may be

acquired by Pocono in connection therewith, serving customers in Pocono, Tobyhanna Township as a bulk rate customer, and certain customers in Hamilton connected thereto (excluding any part of the Stroud Collection System).

**“Pollutant”** shall mean dredged spoil, solid Waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, Medical Wastes, Chemical Wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, Agricultural and Industrial Wastes, and certain characteristics of Wastewater (*e.g.* pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

**“Premises Accessible to the Public Sanitary Sewage System”** shall mean any real estate adjoining and adjacent to, or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to, the public sanitary sewage system.

**“Pretreatment Coordinator”** shall mean the Authority Manager, or his designee who shall have the primary responsibility for the implementation and enforcement of the Authority’s Pretreatment program.

**“Pretreatment or Treatment”** shall mean the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by a Brodhead Creek Regional Authority authorized physical, chemical, or biological process, or process change by other means, except as prohibited by 40 C.F.R.§403.6(d).

**“Pretreatment Requirements”** shall mean any substantive or procedural requirement related to pretreatment.

**“Prohibited Discharge”** shall mean the Discharge to the POTW (i) containing Extra Strength Wastes that limit the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements; (ii) containing any of the pollutants, substances or materials which are prohibited as described in these Rules and Regulations; and/or (iii) that otherwise limits the ability of the Authority to meet the permitted discharge limits set by its NPDES permit and other Legal Requirements.

**“Publicly Owned Treatment Works” (POTW)** shall mean the Treatment Plant and any Collection System utilizing the Treatment Plant, including devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial Wastes of a liquid nature. It also includes sewers, pipes, and other conveyances that convey Wastewater to the Treatment Plant.

**“Rated Capacity”** shall mean the allowable hydraulic and Waste load volume of Wastewater which can be treated by the Treatment Plant, as specified in the NPDES permit(s) issued by DEP for the Treatment Plant, or as may be further limited or otherwise constrained or increased by amendments to such permit(s) or the actions of other Regulatory Authorities.

**“Record Drawings”** means the best available depictions of the facilities in question, which may include measured drawings, as-built surveys, contractor’s plans, annotations or mark-ups, inspector’s notes or other similar written depictions and summaries revised after, used during or prepared prior to construction.

**“Regulatory Authorities”** shall mean (a) with respect to the Authority, collectively, EPA, DEP, DRBC, and any other local, county, regional, Commonwealth or federal authority having jurisdiction on the date hereof or that may have jurisdiction at any time in the future over any aspect of the Treatment Plant including

influent, operations, treatment, land use, effluent, solid Wastes and emissions; and (b) with respect to the Collection System Owner, and any User of a Collection System, collectively, EPA, DEP, DRBC, PaPUC, and any other local, county, regional, Commonwealth or Federal authority having jurisdiction on the date hereof or that may have jurisdiction at any time in the future over any aspect of the Collection System(s) including influent, collections, conveyance, operations, land use, effluent, rate setting, solid Wastes and emissions.

**“Resource Conservation and Recovery Act” (RCRA)** shall mean Title II of the Solid Waste Disposal Act (42 U.S.C. §§6901, *et seq.*), and its implementation regulations (40 C.F.R. §§261, *et seq.*), as they currently exist or as may be amended or replaced from time to time.

**“Rules and Regulations of the Authority”** shall mean the rules and regulations promulgated by the Authority, pursuant to the authority set forth in the Sewage Treatment Agreements, and in effect from time to time relating to Treatment Capacity limits, Influent Limits, Effluent Limits, I&I remediation, IPP requirements, grease and sand traps, and Prohibited Discharges, and as set forth herein.

**“Sanitary Sewage”** shall mean all Domestic Wastes and Commercial Wastes (but excluding Prohibited Discharges).

**“Sanitary Sewer”** shall mean a sewer, which carries sanitary Wastewater, and to which storm, surface and ground waters are not authorized.

**“Sanofi Agreement”** shall mean the Agreement between Sanofi Pasteur, Inc. and Pocono Township dated October 3, 2008 and which is referred to in Section 5.1.10 of the Cooperation Agreement, dated May 10, 2010, and attached thereto as Exhibit “G.”

**“Second Class Township Code”** shall mean the Second Class Township Code of the Commonwealth of Pennsylvania, found at Pa.C.S.A. 53 P.S. §§65101, *et seq.*

**“Sediment Traps”** shall mean a device designed to retain inorganic material such as cinders, gravel, and sand to prevent Discharge of same into the Collection System.

**“Septage”** shall mean any Wastewater from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks; *provided* that such term shall not include any Wastewater transported to the Treatment Plant by or at the direction of the Authority due to a New Connection, a temporary reduction or disruption in the flow of Wastewater through a Collection System.

**“Sewer”** shall mean any pipe or conduit constituting a part of any Collection System used or usable for Wastewater collection purposes.

**“Sewer Lateral”** shall mean a sewer line or lines maintained and controlled by CSO Customer for the purpose of conveying sewage from the Waste producing location to the Collection System.

**“Sewage Treatment Agreement/Treatment Agreements”** shall mean the Sewage Treatment Agreement signed by the respective Collection System Owners and Stroud Township with the Authority including all modifications, amendments, supplements and restatements hereto made and delivered from time to time in accordance with the provisions contained therein.

**“Sewage Treatment Fee”** shall mean the annual fee determined by the Authority and payable by CSO in monthly increments or otherwise as specified herein in an aggregate annual amount equal to the sum of (a) the Operating Expense Charge, (b) the Debt Service Charge, (c) the

Reserve Charge(s), and (d) such other amounts payable by a Collection System Owner to the Authority under the terms of the respective Sewage Treatment Agreements.

**“Significant Industrial User” (“SIU”)** shall mean any Commercial CS Customer of a Collection System or the Treatment Plant who (i) is subject to Categorical Pretreatment Standards under 40 C.F.R. §403.6 and/or 40 C.F.R. Chapter 1, Subchapter N; (ii) Discharges an average of 25,000 gallons per day or more of process Wastewater to the Treatment Plant (excluding sanitary, noncontact cooling and boiler blowdown Wastewater); (iii) contributes a process Wastestream which makes up five (5%) percent or more of the average dry weather hydraulic or organic capacity of the Treatment Plant; (iv) has the potential to Discharge FOG into the Treatment Plant in excess of allowable limits; or (v) is designated as such by the Authority on the basis that the Industrial User has a reasonable potential for adversely affecting the Treatment Plant’s operation or for violating any Pretreatment Standard or requirement (in accordance with 40 C.F.R. §403.8(f)(6)).

**“Significant Non-Compliance”** shall mean the continuous violation of a condition or requirement for a Discharge by a User of the POTW provided for by Legal Requirements, these Rules and Regulations, or a permit issued by the Authority.

**“Significant Violation”** shall mean:

(a) The Discharge of one or more Prohibited Discharge(s) into the Collection System and/or

(b) The occurrence of an event or circumstance, caused in whole or in part by a User’s non-compliance with the applicable Sewage Treatment Agreements, WDPs, and/or Legal Requirements, such that the Authority’s ability to fully comply with all Legal Requirements imposed upon it or otherwise

relating to its operation of the Treatment Plant such that the occurrence may cause the Treatment Plant processes to be hindered, delayed or jeopardized; or

(c) A violation by a User of the POTW of a condition or requirement set forth in a WDP.

**“Slug,” “Slug Discharge,” or “Slug Load”** shall mean any Discharge at a flow rate or concentration, which could cause a violation of the Prohibited Discharge standards. 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 violates the Rules and Regulations of the Authority or Legal Requirements.

**“Smithfield”** shall mean the Township of Smithfield, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

**“Standard Industrial Classification”** shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972, as amended.

**“Storm Sewer”** shall mean a sewer which is intended to carry storm water runoff, surface waters, groundwater drainage, etc., but which is not intended to carry any Wastewater or polluted industrial Waste.

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

**“Storm Water Runoff”** shall mean that portion of the storm water which reaches a channel, trench or sewer.



**“Stroud” and “Stroud Township”** shall mean the Township of Stroud, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

**“Stroud Authority”** shall mean the Stroud Township Sewer Authority, a municipality authority incorporated by Stroud Township and governed by the Act, acting by and through its Board, and acting on behalf of the users within Stroud and Hamilton attached to the Stroud Collection System, and including any authorized Person acting on its behalf to collect Wastewater in the Stroud Service Area and transmitting such Wastewater through the Stroud Collection System to the Treatment Plant.

**“Stroud Collection System”** shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties owned, operated and maintained by the Stroud Authority, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by the Stroud Authority in connection therewith, serving customers in Stroud and certain customers in Hamilton connected thereto (excluding any part of the Pocono Collection System).

**“Stroud Service Area”** shall be the area served by the Stroud Collection System as described in the Regional Act 537 Plan, as may be amended, and co-terminus with the area served by the Authority in Stroud Township set forth in the DRBC Project Approval and shall exclude those Wastewater Users in Stroud served by East Stroudsburg.

**“Stroudsburg”** shall mean the Borough of Stroudsburg, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Council, including any authorized Person, acting on its behalf.

**“Stroudsburg Collection System”** shall mean that certain sewage collection and conveyance system and appurtenant facilities and properties owned, operated and maintained by Stroudsburg, together with any additional facilities and properties and extensions thereof that hereafter may be acquired by Stroudsburg in connection therewith, serving customers in Stroudsburg.

**“Stroudsburg Service Area”** shall be the area served by the Stroudsburg Collection System as described in the Act 537 Plan and co-terminus with the area served by the Authority in Stroud Township set forth in the DRBC Project Approval.

**“Surcharge Notice Collection System Owner”** shall mean the notice of violation of effluent limits or hydraulic capacity provided by the Authority to a Collection System Owner with the intent to impose a surcharge pursuant to Article 5, §5.4 of the Cooperation Agreement and Article VII of these Rules and Regulations.

**“Suspended Solids”** shall mean the total suspended matter that floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

**“SWDA”** shall mean the Solid Waste Disposal Act, 42, U.S.C. §§6901, *et seq.*

**“TKN”** shall mean Total Kjeldahl Nitrogen as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

**“Tobyhanna Collection System”** shall mean the Wastewater Collection System owned and operated by Tobyhanna Township, a Township of the Second Class, located in Monroe County, Pennsylvania, which delivers Wastewater exclusively through the Pocono Township Collection System to the WWTP and which is a

customer of Pocono Township through a separate Intermunicipal Sewage Collection and Disposal Services Agreement.

**“Tobyhanna Township”** shall mean the Township of Tobyhanna, Monroe County, Pennsylvania, a political subdivision of the Commonwealth, acting by and through its Board of Supervisors, and including any authorized Person acting on its behalf.

**“Total Dissolved Solids” (TDS)** shall mean total dissolved solids as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

**“Total Phosphorous” (P)** shall mean total phosphorous as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136, or any successor regulation.

**“Total Residual Chlorine”** shall mean residual chlorine as determined by laboratory analysis using analytical methods allowed for NPDES reporting as listed in the latest publication of 40 C.F.R. Part 136 or any successor regulation.

**“Total Suspended Solids” (TSS)** shall mean the weight of solids retained by a glass fiber (GF/F filters 0.7-um pore-size) dried to constant weight in an oven at 103° - 105° C. The concentration of Total Suspended Solids shall be expressed in units of mg/l using the following formula:

Total Suspended Solids, mg/l =  $\frac{\text{Final (Dry) Filter Weight (mg)} - \text{Initial (Wet) Filter Weight (mg)}}{\text{Volume of Liquid Sample Filtered, in liters}}$

**“Toxic Pollutant”** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of

the Environmental Protection Agency or any other regulatory authority with jurisdiction.

**“Treatable Wastewater”** shall mean the amount of Wastewater the Authority can continue to treat.

**“Treatment Capacity”** shall mean:

(a) for a Collection System – the contractual right of each Wastewater Municipality to Discharge its respective Hydraulic Allocation and Waste Load Allocation in amounts which do not cause the Treatment Plant to exceed its Effluent Limits, in accordance with the Cooperation Agreement and as memorialized in each Collection System Owner’s Sewage Treatment Agreement;

(b) for a SUI – the allocation of Hydraulic and Waste loadings authorized by the Authority in a WDP (with consent of the applicable CSO) to be Discharged into the POTW in accordance with Legal Requirements and these Rules and Regulations.

**“Treatment Plant”** shall mean the Authority Treatment Plant, as currently existing and as improved by the 4.5 MGD Upgrade, and all other facilities acquired or constructed by Authority for the treatment and disposal of Wastewater conveyed by the Collection Systems, together with any future additions, improvements, expansions, enlargements and modifications thereto, and replacements thereof; *specifically excluding, however*, the Collection Systems and any property or funds of Authority owned or encumbered as part of Authority’s public water system.

**“Under the Sink Grease Trap”** shall mean a device placed under or in close proximity to sinks or other facilities likely to Discharge grease in an attempt to separate, trap or hold, oil and grease substances to prevent their entry into the Collection System.

**“United States”** shall mean the United States of America.

**“Untreatable Wastewater”** shall mean the amount of wastewater the Authority is obligated to treat, but cannot.

**“Upset”** shall mean for the purposes of a WDP, an exceptional incident in which there is unintentional and temporary noncompliance with technology-based permit effluent limitations because of factors beyond the reasonable control of the Permittee, excluding such factors as operational error, improperly designed or inadequate treatment facilities, or improper operation and maintenance or lack thereof.

**“User”** shall mean any Person authorized, by a Collection System Owner and/or the Authority, to Discharge Waste directly into a sewer lateral or collection line inside the Wastewater Service Area.

**“Violation Collection System Owner”** shall mean (a) the discharge of any Extra Strength Waste by a Collection System Owner; or (b) any other breach by a Collection System Owner of any term of its Sewage Treatment Agreement, the Cooperation Agreement, any Legal Requirement, and/or the Rules and Regulations of the Authority, which violation does not constitute a Significant Violation but nonetheless (i) causes or may cause a minor disruption of the operations of the Treatment Plant and/or an increase in Operating Expenses, and/or (ii) impedes the rights of another Collection System Owner to utilize its respective Treatment Capacity as and when needed by such Collection System Owner, in each case resulting in fees or expenses incurred by the Authority.

**“Waste”** shall mean any matter deposited into a Collection System of the POTW regardless of form.

**“Waste Load Allocation”** shall mean the quantity or concentration of influent Wastewater constituents:

(a) for a Collection System Owner – assigned to each Wastewater Municipality, expressed in milligrams per liter (mg/L) or pounds per day (ppd) set forth in Tables I and II and Schedule 1 in Exhibit E of the Sewage Treatment Agreements, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant;

(b) for an SIU – expressed in milligrams per liter (mg/L) or pounds per day (ppd) as set forth in the WDP issued by the Authority, as the same may be adjusted from time to time by the Authority in order to comply with requirements of Regulatory Authorities and permits and as may be necessary to safeguard the continued operation of the Treatment Plant.

**“Wastewater”** shall mean any liquid and water-carried Commercial Wastes or Domestic Wastes, including sewage, from dwellings, commercial buildings, industrial facilities, and institutions, whether treated or untreated, which is contributed into or permitted to enter the POTW.

**“Wastewater Discharge Permit” (“WDP”)** shall mean a permit required to be obtained by a CS Customer in accordance with the IPP Rules and Regulations.

**“Wastewater Discharge Permittee”** shall mean the Person who has been issued a WDP by the Authority pursuant to these Rules and Regulations.

**“Wastewater Municipality” or “Wastewater Municipalities”** shall mean, individually or collectively, Stroud, Stroudsburg and Pocono and any new Municipality who shall join the

Wastewater System pursuant to the Cooperation Agreement.

**“Wastewater Rate District”** shall mean the separate districts established by the Authority based upon the differing costs of providing services to customers in such districts.

**“Wastewater Service Area”** shall mean, for the purpose of these Rules and Regulations, the

collection area served by the POTW including those portions identified in the Regional Act 537 Plan, as amended, and as designated in the DRBC Project.

**“Weekly Average”** shall mean the arithmetic mean of the values for effluent samples collected over a period of seven (7) consecutive days.

### **Section 3: Abbreviations**

These Abbreviations are used throughout the Rules and Regulations. The Abbreviations are abbreviations of defined terms. This Table of Abbreviations is provided for the ease of the reader.

BOD-5	Biochemical Oxygen Demand – 5 day
BMP	Best Management Practices
CS	Collection System
CSL	Collection System Line
CSO	Collection System Owner
DEP	Pa. Department of Environmental Protection
DRBC	Delaware River Basin Commission
FICA	First Supplement to Amended and Restated Intergovernmental Cooperation Agreement
FOG	Fats, Oils and Grease
GPD	Gallons Per Day
ICA	Amended and Restated Intergovernmental Cooperation Agreement
I & I	Inflow and Infiltration
IPP	Industrial Waste Water Pretreatment Plan
MGD	Millions Gallons Per Day
NH3-N	Ammonia-Nitrogen
NPDES	National Pollution Discharge Elimination System
NPSPCP	Non-Point Source Pollution Control Plan
NAICS	North American Industrial Classification System
P	Total Phosphorous
POC	Pocono Township
POTW	Publicly Owned Treatment Works
PUC	Pa. Public Utility Commission
R & R	Rules and Regulations
RCRA	Resource Conservation Recovery Act
ST	Stroud Township
STBG	Stroudsburg Borough
STSA	Stroud Township Sewer Authority
SIU	Significant Industrial User
TDS	Total Dissolved Solids
TRC	Total Residual Chlorine
TSS	Total Suspended Solids
TKN	Total Kjeldahl Nitrogen
W	Water
WDP	Wastewater Discharge Permit
WW	Waste Water
WWM	Waste Water Municipality
WWTP	Waste Water Treatment Plant

**ARTICLE III**  
**RULES AND REGULATIONS FOR COLLECTION SYSTEM OWNERS**

**Section 1: Defined Terms for Article III.**

The terms defined in Article II, whenever used or referred to in Article III of these Rules and Regulations, shall have the respective meanings indicated or incorporated therein unless a different meaning clearly appears from the context. All defined terms will appear as capitalized terms. If there is a difference between the definitions contained in these Rules and Regulations and the definitions contained in the respective Sewage Treatment Agreements, then those differences shall be first interpreted to reconcile the meaning of the definitions. If a conflict exists between the definitions which are non-reconcilable, then the definitions in the Sewage Treatment Agreements prevail for the purpose of interpreting Article III regarding Collection System Owners' liabilities and responsibilities.

**Section 2: Obligations of Collection System Owners**

**2.1. Obligation of Collection System Owners.** Each CSO shall be responsible for all components of its Collection System and the Wastewater deposited therein as follows:

(a) A CSO is solely responsible for (and the Authority shall have no obligation, financial or otherwise, to undertake, pay for or finance) all operating expenses, construction costs, and other capital expenditures relating to the collection, handling, treatment and/or disposal of any storm water or other I & I within the Collection System in accordance with all Legal Requirements.

(b) Each CSO shall design its Collection System to properly collect and transmit, and upon completion of any line or improvement will be able to properly collect and transmit, Sanitary Sewage in amounts not less than the Treatment Capacity (Hydraulic and

Waste Load Allocation) allocated to their respective Collection System as set forth in their respective Sewage Treatment Agreements, and as the same may be amended from time to time.

(c) Each CSO shall establish and bill all tapping fees and service rates, fees and charges payable by all users of the Collection System, in amounts to be sufficient at all times to allow CSO to pay Sewage Treatment Fees as and when due and owing to the Authority.

(d) Each CSO will timely pay to the Authority a Sewage Treatment Fee, as calculated by the Authority in accordance with Article 8 of the Sewage Treatment Agreements, on the first day of each month unless subsequently modified by agreement of the CSO and the Authority.

(e) Each CSO shall be financially responsible for the funding of all capital improvements, upgrades, additions and replacements to its own Collection System and shall be solely responsible for, and shall fully pay, all costs to construct and re-construct, and shall undertake and make all capital improvements, upgrades and additions to its Collection System as and when requested by the Authority in order to comply with the CSO's and/or the Authority's Legal Requirements.

(f) Each CSO will comply with all applicable Legal Requirements relating to the construction, operation, management and expansion of, setting of rates with respect to service provided by, and improvements to their Collection System, including obtaining all required permits, road restoration, traffic controls and similar Legal Requirements.

(g) Each CSO shall take any and all actions necessary to remedy any defect or condition of its Collection System which, individually or in combination with conditions of other Collection Systems, the Collection System Owner could reasonably expect to, hinder, limit,

delay, or jeopardize the Authority's full and timely compliance with all Legal Requirements relating to the POTW.

(h) Each CSO shall require any municipality, which is not a member municipality of the Authority, wherein any Person within that non-member municipality is utilizing the CSO's Collection System, to duly adopt and impose rules and regulations which will require all such Persons to comply with the Rules and Regulation of the Authority, including the Industrial Pretreatment provisions, so that the same are applicable to all Persons within that non-member municipality's service area.

(i) Each Collection System Owner shall prohibit and prevent, by ordinance, the Discharge by any CS Customer into its Collection System of: (i) any substance other than by and through permanent, direct pipe connections; and (ii) Septage, including without limitation the contents of septic tanks of existing establishments when they first connect to the Collection System, unless prior written permission is granted by the Authority. Each Collection System Owner shall cooperate in the enforcement of such ordinance(s) by the Authority. The ordinances shall provide for fines for violations in the maximum amount permitted by law.

(j) At the request of the Authority, each CSO will establish rules and regulations to enable the CSO to comply with its Treatment Capacity limits, Influent Limits, I & I limitations, IPP requirements, FOG, and Sediment Trap requirements, limitations on New Connections, and prohibitions on storm water and Prohibited Discharges, as required by the Cooperation Agreement and the respective Sewage Treatment Agreements. Such rules and regulations established by a CSO shall substantially conform in all material respects with the Rules and Regulations of the Authority. A CSO will not amend such rules and regulations in



order to establish less stringent requirements, limitations and prohibitions parameters as imposed the Rules and Regulations of the Authority.

(k) Each CSO shall grant to the Authority legal authority, as its agent and on its behalf, to enforce all ordinances, resolutions, rules and regulations enacted or adopted from time to time by the CSOs or the Authority regarding the Collection System and Waste deposited therein.

(l) Each CSO shall provide the Authority, upon the Authority's demand, with (i) access to its Collection System, including subsurface conditions and (ii) sampling data, inspection reports, meter data, correspondence with Regulatory Authorities, and other available or reasonably ascertainable data to implement and enforce the terms of Cooperation Agreement, the Sewage Treatment Agreement, and Authority's licenses and permits relating to the Treatment Plant and these Rules and Regulations.

(m) Each CSO will maintain Record Drawings relating to all aspects of its Collection System including all connections thereto and shall provide same to the Authority upon request.

(n) Each CSO shall continuously maintain, at its own expense, proper connection of its Collection System to the Treatment Plant, at the existing points of connection or at such other points of connection as shall be acceptable to the CSO and the Authority. The Authority shall have the right to pre-approve, in its reasonable discretion, any proposal by a CSO for additional or alternative connections, or modifications to such points of connection. A CSO shall deliver through such point(s) of connection all Sewage originating within that CSO's respective Service Area.

(o) Each CSO shall be responsible for accommodating within their respective influent Discharge(s), the Discharge of total dissolved solids (“TDS”) authorized for Sanofi Pasteur as set forth in the Cooperation Agreement. In the event of an NPDES violation for TDS Discharged from the Treatment Plant, as contemplated in, **Article III, Section 2.2(a)(xxiv)**, the CSOs shall undertake a study to track down the sources of TDS which may have contributed excess TDS and potentially caused the NPDES violation. The Authority and CSOs shall determine whether a particular source is contributing excess TDS to the POTW and the CSO to which any excess contributor of TDS Discharges shall require that the excess contributor reduces the amount of TDS Discharged to the POTW sufficiently to bring the Treatment Plant into NPDES compliance and accommodate Sanofi Pasteur’s TDS Discharge as described in the Cooperation Agreement.

(p) Each CSO shall be responsible for all Waste deposited into its Collection System. Each CSO shall be responsible to require that each CS Customer depositing Waste into the Collection System does so in accordance with all Legal Requirements.

(q) Each Collection System must be managed by a DEP Certified, Licensed Wastewater Operator at all times as required by PaDEP or any other governmental authority with jurisdiction.

**Section 3: Allocation of Treatment Capacity; Measurement of Flow.**

**3.1. Allocation of Treatment Capacity in the Treatment Plant.**

Each CSO shall have the contractual right, subject to the provisions of the Cooperation Agreement, Treatment Agreement, and Legal Requirements, to Discharge Sewage from its Collection System, up to the limits of that CSO’s Treatment Capacity, into the POTW. The influent limitations imposed upon CSOs utilizing the POTW are set forth in their respective

Sewage Treatment Agreements, which are incorporated herein by reference as though fully set forth.

**3.2. General Discharge Prohibitions.**

(a) No CSO shall introduce, allow its CS Customers to introduce or cause to be introduced to the POTW, directly or indirectly, any Pollutant or Wastewater which causes Pass Through or Interference. These general prohibitions apply to all CS Customers of a Collection System whether or not the CS Customer is subject to National Categorical Pretreatment Standards or any other National, State or Local Pretreatment Standards or Requirements. A CSO or CS Customer may not contribute the following substances to the POTW:

i) Pollutants which create a fire or explosive hazard in the Treatment Plant, including, but not limited to, wastestreams with a closed-cup flashpoint of less than 140 degrees F (60 degrees C) using the test methods specified in 40 C.F.R. §261.21;

ii) Wastewater having a pH less than 5.0 or more than 10.0; or otherwise causing corrosive structural damage to the Treatment Plant or equipment;

iii) Solid or viscous substances in amounts which will cause obstruction of the flow in the Collection System or Treatment Plant resulting in Interference;

iv) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a Discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the Treatment Plant;

v) Wastewater having a temperature greater than 140 degrees F (60 degrees C), or which will inhibit biological activity in the Treatment Plant resulting in

Interference, but in no case Wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees F (40 degrees C);

vi) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;

vii) Pollutants which result in the presence of toxic gases, vapors, or fumes within the Treatment Plant in a quantity that may cause acute worker health and safety problems;

viii) Trucked or hauled Pollutants, unless prior written permission is granted by the Authority;

ix) Noxious or malodorous liquids, gases, solids, or other Wastewater which, either singly or by interaction with other Wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;

x) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye Wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Treatment Plant's NPDES Permit;

xi) Wastewater containing any radioactive Wastes or isotopes except in compliance with applicable State or Federal regulations;

xii) Storm Water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, untreated swimming pool drainage, condensate, de-ionized water, Noncontact Cooling Water, and unpolluted Wastewater, reasonably deemed objectionable by the Authority;

xiii) Sludge, screenings, or other residues from the Pretreatment of Industrial Wastes;

xiv) Medical Wastes, except as specifically authorized by the Authority in an individual Wastewater Discharge Permit;

xv) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail toxicity test;

xvi) Detergents, surface-active agents, or other substances at concentrations or loadings which might cause excessive foaming in the Treatment Plant;

xvii) Fats, oils, or greases (FOG) of animal or vegetable origin in concentrations greater than (300) mg/L;

xviii) Wastewater causing two readings on an explosion hazard meter at the point of Discharge into the Treatment Plant, or at any point in the Treatment Plant, of more than twenty-five (25%) percent or any single reading over ten (10%) percent of the Lower Explosive Limit of the meter.

xxix) Any Waters or Wastes containing total solids of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved in writing by the Authority and supported by the Authority's engineers.

xix) Any rate of Discharge taking on the proportions of a Slug. This applies likewise to Domestic Waste.

xxi) Any cesspool, septic tank, porta-potty, or holding tank Discharges, unless approved by the Authority.

xxii) Any sewage, Water or Waste of such character and quantity that unusual attention or expense is required to handle such materials at the Treatment Plant, except as may be approved in writing by the Authority and supported by the Authority's engineers.

xxiii) Any sewage, Water or Waste containing substances in demonstrated sufficient quantities, which when admixed in the total plant Influent Wastewaters, will interfere with the biochemical processes of the Treatment Plant or the ultimate disposal of sludge or that will pass through the Treatment Plant and cause the effluent to exceed any Legal Requirements. No specific limits have been set herein. Actual Treatment Plant performance will be the basis for setting such limits.

xxiv) Wastewater which contains Total Dissolved Solids (TDS) which cannot be removed by the treatment process, which consequently passes on to the Treatment Plant's effluent, thereby violating the Treatment Plant's NPDES Permit except as may be approved in writing by the Authority and supported by the Authority's engineers;

xxv) Wastewaters Discharged to the Treatment Plant shall contain no floatable or non-emulsified fats, oils and greases of animal or vegetable origin high enough to cause Interference or Pass Through. The Authority may order a reduction in the level of fats, oils and grease of mineral, petroleum or unknown origin and of animal or vegetable origin being introduced into a Customer's Collection System regardless of point of origin where the existing limits cause adverse impacts to the Collection System and/or Treatment Plant.

xxvi) Pollutants, substances, or Wastewater prohibited by this section shall not be processed or stored in such a manner that they could be Discharged to the Treatment Plant.

Nothing herein shall preclude a CSO from establishing more stringent or additional prohibitive Discharges to these general Discharge Prohibitions as to the Users on that Collection System. If a CSO establishes more stringent or additional prohibitive Discharges by Rule or Regulation or by contract with its Customer, then those more stringent or additional prohibitive Discharges

shall apply to WDPs for that Collection System how applicable. This provision is incorporated into **Article V, Section 1.1.**

**3.3. Specific Pollutant Limitations.** No CSO or CS Customer shall Discharge Wastewater into the Collection System containing in excess of:

**Local Waste Characteristic Limits**

<b><u>Parameter</u></b>	<b><u>Discharge Limit mg/l</u></b>
Arsenic (As)	5.0
Barium (Ba)	100.0
Benzene	0.5
Cadmium (Cd)	1.0
Carbon Tetrachloride	0.5
Chlordane	0.03
Chlorobenzene	100.0
Chloroform	6.0
Chromium (Cr)	5.0
o-Cresol	200.0
m-Cresol	200.0
p-Cresol	200.0
Cresol	200.0
2,4-D	10.0
1,4-Dichlorobenzene	7.5
1,2-Dichloroethane	0.5
1,1-Dichloroethylene	0.7
2,4-Dinitrotoluene	0.13
Endrin	0.02
Heptachlor	0.008
Hexachlorobenzene	0.13
Hexachlorobutadiene	0.5
Hexachloroethane	3.0
Lead (Pb)	5.0
Lindane	0.4
Mercury (Hg)	0.2
Methoxychlor	10.0
Methyl ethyl ketone	200.0
Nitrobenzene	2.0
Pentachlorophenol	100.0
Pyridine	5.0
Selenium (Se)	1.0
Silver (Ag)	5.0
Tetrachloroethylene	0.7
Toxaphene	0.5
Trichloroethylene	0.5
2,4, 5-Trichlorophenol	400.0
2,4,6-Trichlorophenol	2.0
2,4,5-TP (Silvex)	1.0

Additional Specific Pollutant Discharge Limitations, as provided in 40 C.F.R. §§403, *et seq.*, and 40 C.F.R. §§261, *et seq.*, shall apply to all Users of the POTW. Nothing herein shall limit a CSO from implementing more stringent requirements than are set forth herein. If more stringent Pollutant Discharge limitations are adopted by a CSO either through the CSO's Rules and Regulations or through a contractual agreement between the CSO and a customer of its Collection System, then those more stringent Specific Pollutant Discharge Limitations shall be utilized in the issuance of WDPs for the Collection System, as applicable. This provision shall be specifically incorporated into **Article V, Section 1.2.**

**3.4. Prohibition of Septage.** A CSO shall not deliver Septage from its system to the Treatment Plant, unless prior written permission is granted by the Authority. A CSO shall not allow any CS Customer and/or User of its Collection System to deliver septage from any source in its system to the Treatment Plant, unless prior written permission is granted by the Authority.

**3.5. Prohibition of Rules and Regulations Violations.** A CSO shall neither allow itself nor any CS Customer and/or User to Discharge Wastewater into its Collection System which violates the Rules and Regulations of the Authority.

**3.6. Incorporation of Pretreatment Categorical Standards.** Each CSO shall adopt by ordinance, or in the case of the Stroud Authority by resolution, the Authority's Industrial Pretreatment Rules and Regulations which incorporate the Federal Categorical Pretreatment Standards (40 C.F.R. §403.1 and the Resource Conservation Recovery Act, 40 C.F.R. §§261, *et seq.*) as part of each CSO's Rules and Regulations, and shall prohibit any User of their Collection System from Discharging Waste with Effluent Limits in excess of the amounts



contained therein. Each CSO shall assist the Authority in enforcing compliance of same for all applicable CS Customers.

**Section 4: Measurement of Effluent.**

**4.1. Measurement of Sewage Flow to the Treatment Plant.**

The quantity of Sewage delivered by a Collection System shall be determined by the methods established in Article 7, Section 7.2 in the respective Sewage Treatment Agreements which provisions are incorporated herein as if fully set forth.

**4.2. Meter and Sampling.** Metering and sampling of a Collection System shall be performed in accordance with Article 7, Section 7.2.6(a)(b)(c) of the respective Sewage Treatment Agreements, which provisions are incorporated herein as if fully set forth

**Section 5: Approval of New Connection to a Collection System.**

**5.1. Prohibited Connections - Approval of New Connection to a Collection System.** A CSO shall not authorize or permit any New Connection for the collection and conveyance of Wastewater to the POTW:

- (a) to any area outside of the area described as the “Area Served” in the DRBC Docket without prior approval from DRBC and the Authority;
- (b) to any User/Customer in violation of the Regional Act 537 Plan, as amended.

**5.2. Conditions for Connection.** In order to assure compliance with applicable Legal Requirements governing connections to and use of the POTW, no CSO shall authorize or permit a New Connection to a Collection System unless and until all of the following conditions shall be satisfied:

(a) written confirmation has been obtained from the DRBC Project Review Section that either: i) an NPSPCP approved by the DRBC is in place for the development or that portion of the Wastewater Service Area where the owner/developer seeking the New Connection predates the DRBC approval of the Municipal Act 167 Plan in force for the Collection System Service Area in which the New Connection is sought; or ii) DRBC Project Approval requirements are no longer required or have been waived by DRBC with respect to such New Connection;

(b) the owner/developer of the proposed New Connection has submitted an application to the Authority and the CSO requesting such proposed New Wastewater Service Connection in the form of application developed by the Authority, as may be amended from time to time;

(c) the Authority has provided written acknowledgement of the availability of Treatment Capacity to the CSO and the owner/developer of the proposed New Connection, subject to such conditions and requirements as may be specified in such acknowledgement;

(d) the CSO has provided written notification to the owner of the proposed New Connection and the Authority of available collection and conveyance capacity, subject to such conditions and requirements as may be specified in that notice;

(e) the owner/developer submits to the Authority and CSO written evidence of the owner/developer's receipt of a DEP-approved planning module amending the Act 537 Plan or a written waiver of the requirement for such module;

(f) the owner/developer, for each New Non-Residential Connection, has filled out and filed a Wastewater Discharge Survey and, if required, thereafter obtained a Wastewater Discharge Permit;

(g) no New Connection to a newly constructed building or premises shall be authorized to a Collection System unless such newly-constructed building or premises is equipped with plumbing fixtures and fittings that comply with the water conservation performance standards contained in the Pennsylvania Uniform Construction Code or any more stringent permitting requirement then imposed by any Regulatory Authority;

**Section 5: Chapter 94 Reports.**

6.1. The CSO shall provide by February 28<sup>th</sup> of each year all documents and information regarding the Collection System requested by the Authority and necessary for the Authority to complete its Chapter 94 Report, including the following:

(a) all documents and information regarding the Collection System requested by the Authority and necessary for the Authority to complete its Chapter 94 Report;

(b) a description of all maintenance program activities conducted by the CSO with respect to its Collection System within the preceding year;

(c) any other information required by DEP and/or which may reasonably be required by the Authority to properly complete the Chapter 94 Report;

(d) an affidavit of the accuracy of all of the foregoing;

(e) any information, to the extent applicable, required under the Authority's Special Condition B.I.C.4 of NPDES Permit or DRBC Docket with respect to Discharges to its Collection System; and

(f) any other information and/or data reasonably needed by the Authority to comply with its reporting obligations.

**Section 7: Procedures Regarding Excess Flow and Loadings, Prohibited Discharges; Violations and Surcharges Applicable to a Collection System(s).**

Procedures for the handling of excess flow and loadings, prohibited Discharges; violations and surcharges applicable to a CSO and its Collection System shall be in accordance with Article 5, of the Cooperation Agreement, and Articles 6 and 9 of the Sewage Treatment Agreements.

**7.1. Late Payments; Payment of Disputed Charges and Delay Surcharges.**

The Authority may impose charges, surcharges, interest, and penalties as provided in Articles 6 and 9 of the Sewage Treatment Agreements for a Collection System Owner’s failure to pay any financial obligation owed to the Authority in a timely fashion.

**7.2. Remedies for Failure to Treat.**

In the event a CSO fails to properly own, maintain, and operate its Collection System in accordance with the Authority’s Legal Requirements, the Authority shall have all legal remedies set forth in the Cooperation Agreement and each respective Sewage Treatment Agreement, available to enforce compliance.

**ARTICLE IV**  
**ADMINISTRATION OF INDUSTRIAL PRETREATMENT PROGRAM**

**ARTICLE 1 SECTION 1: ADMINISTRATION.**

**ARTICLE 2 1.1. WASTEWATER DISCHARGERS.** IT SHALL BE UNLAWFUL FOR ANY CS CUSTOMER TO DISCHARGE ANY COMMERCIAL WASTE WITHOUT A WASTEWATER DISCHARGE PERMIT (“WDP”), EXCEPT AS

AUTHORIZED BY THE AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF THESE RULES AND REGULATIONS AND LEGAL REQUIREMENTS.

**ARTICLE 3 1.2. WASTEWATER DISCHARGE SURVEY.**

(a) The Authority shall determine whether a Commercial CS Customer is a Significant Industrial User (“SIU”). All SIUs are required to obtain a WDP under these Rules and Regulations. To identify SIUs of the POTW, the Authority shall conduct periodic Wastewater Discharge Surveys of nonresidential connections to the Collection Systems. A Survey will be prepared for completion by each Commercial CS Customer. The Survey will request information on the processes employed at the facility, chemicals/materials stored and used and known characteristics of the Wastewater Discharged. The information gathered will be used by the Authority to determine if the responding Commercial CS Customer will require a WDP in order to Discharge to the POTW.

(b) Once a Commercial CS Customer is determined to be an SIU, the Authority may make a subsequent determination, pursuant to **Article IV, Section 1.14**, whether the SIU is a Non-Significant Categorical Industrial User if it has no reasonable potential for adversely affecting the Treatment Plant’s operation or for violating any Pretreatment Requirements, or if it otherwise meets the criteria set forth therein.

(b) **Return of Survey.** A Wastewater Discharge Survey will be prepared and sent by the Authority to each Commercial CS Customer within thirty (30) days after the enactment of these Rules and Regulations. Each Commercial CS Customer shall respond within thirty (30) days unless an extension is granted, in writing, by the Authority. Failure of a Commercial CS Customer to properly complete and return the Wastewater Discharge Survey shall result in a late penalty to the Commercial CS Customer in the amount of fifty (\$50.00)

dollars per day for each non-returned Wastewater Discharge Survey. Each Wastewater Discharge Survey shall be signed by an Authorized Representative of the Commercial CS Customer.

(c) **New Survey Requirement.** All Commercial CS Customers, upon change of ownership or business location, shall complete and submit a new Wastewater Discharge Survey and, where applicable, obtain a new WDP.

(a) (d) **Wastewater Discharge Application.** If after return of the Wastewater Discharge Survey, the Authority determines that the Commercial CS Customer returning the Wastewater Discharge Survey is an SIU, the SIU will be provided an application for a Wastewater Discharge Permit to be completed and submitted to the Authority pursuant to these Rules and Regulations. Failure of an SIU to properly complete and return the Wastewater Discharge application shall result in a late penalty to the SIU in the amount of fifty (\$50.00) dollars per day for each non-returned Wastewater Discharge application in addition to other penalties authorized by these Rules and Regulations.

(b) 1.3. Notification of Changed Discharge.

All Commercial CS Customers shall promptly notify the Authority in advance of a change in the character of Pollutants in their Discharges. Notice of this obligation shall be made part of all Wastewater Discharge Surveys and WDPs. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous Waste or listing any additional substance as a hazardous Waste, any affected Commercial CS Customer must notify the Authority, the EPA Regional Waste Management Division Director, and the State hazardous Waste authorities of the Discharge of such substance within ninety (90) days of the effective date of such regulations, or within the time period established for notification prescribed by the new regulation(s), whichever time period is shorter.

***Section 3.2.*** 1.4. **Notification of Changed Conditions.**

All Commercial CS Customers are required to immediately notify both the Authority and the applicable CSO of any changes at its facility affecting the potential for a Slug Discharge.

**ARTICLE 4 1.5. WASTEWATER DISCHARGE PERMITS.**

(a) (a) General Permits. All Commercial CS Customers who are determined by the Authority to be an SIU shall obtain a WDP before connecting to or contributing to the POTW.

(b) Permit Applications. All SIUs are required to obtain a WDP by completing and filing with the Authority an application in the form prescribed by the Authority, accompanied by a fee prescribed by the Authority. Permit applications shall be available by contacting the Authority. Existing Commercial CS Customers of the Authority, who are determined by the Authority to be SIUs after submission of the Wastewater Discharge Permit Survey, shall submit an application for a WDP within sixty (60) days after written notification by the Authority of the requirement to obtain a permit. All new Commercial CS Customers shall complete a Wastewater Discharge Survey and, if determined by the Authority to be an SIU, shall apply for a WDP at least sixty (60) days prior to connecting to or contributing to the POTW, unless such time period is waived by the Authority. The application shall require, at a minimum, the following information:

- i) Name, address, and location (if different from the address);
- ii) SIC number according to the Standard Industrial Classification manual, Bureau of Budget, 1972, as amended, and/or the NAICS number, according to NAICS Codes, whichever Code is used by the industry;
- iii) Wastewater constituents and characteristics to include parameters for all Pollutants containing a specific Discharge limitation in these Rules and Regulations or under any Categorical Standard as determined by a reliable DEP registered analytical laboratory; sampling and analysis shall be performed in accordance with the procedures established by the EPA pursuant to Section 304(g) of

the Clean Water Act and contained in 40 C.F.R. Part 136, as amended;

- iv) Expected time and duration of Discharge;
- v) Average daily and thirty (30) minute peak Wastewater flow rates, including daily, monthly and seasonal variations, if any;
- vi) Maps, schematics, or other information showing the relevant site layout, Discharge points, or Sewer connections;
- vii) Description of activities, facilities, and plant processes on the premises including all materials which are or could be Discharged;
- viii) If additional pretreatment and/or operations and maintenance will be required to meet the Pretreatment Standards, the shortest schedule by which the applicant is expected to provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard;
- ix) A description of each product produced by type, amount, process or processes and rate of production;
- x) Type and amount of raw material processed (average and maximum per day);
- xi) Number of employees, hours of operation of plant, and expected hours of operation of pretreatment system;
- xii) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application;
- xiii) Compliance with regard to any applicable BMPs;



- xiv) Accidental Discharge Plan;
- xv) Grease and Sediment Trap maintenance records, logs, and locations of such records and logs;
- xvi) Contact information for all Authorized Representatives to sign or accept service on behalf of applicants/SIUs.

After evaluating the data furnished by the applicant, the Authority or Pretreatment Coordinator may require additional information. The applicant for said permit must provide the required information within ten (10) days of said request, unless the Authority or Pretreatment Coordinator specifies a different time period or grants an extension. After evaluation, the Authority shall issue a WDP which may impose terms and conditions in addition to these Rules and Regulations as part of the WDP pursuant to **Article IV, Section 1.6** below. Failure to timely provide the materials requested by the Authority or the Pretreatment Coordinator shall result in administrative penalties as well as the possible termination of Wastewater service. The application shall be submitted to the Authority including a provision verifying all information submitted subject to penalties for unsworn falsification.

(b) 1.6. Permit Conditions. WDPs shall be expressly subject to meeting all Legal Requirements, including the provisions of the Authority's Rules and Regulations, the payment of all outstanding costs owed to the Authority and any additional conditions in the WDP. A WDP issued by the Authority shall contain terms, conditions, and restrictions which may include, but are not limited, to the following:

- (c) (a) The unit charge or schedule of costs to be imposed on the Permittee through the issuance of the WDP;

- (b) Limits on the average and maximum Wastewater constituents and characteristics;
- (c) Establish Prohibited Discharges and specific Pollutant Discharge limits;
- (d) Limits on average and maximum rate and time of Discharge or requirements for flow regulations and equalization;
- (e) Requirements for installation and maintenance of inspection and sampling facilities;
- (f) Specifications for monitoring programs, which may include sampling locations, frequency of sampling, number, types, and standards for tests and reporting schedule;
- (g) Compliance Schedules;
- (h) Requirements for submission of technical reports or Discharge reports;
- (i) Requirements for maintaining and retaining plant records relating to Wastewater Discharge as specified by the Authority, and affording Authority access thereto;
- (j) Requirements for notification of the Authority of any introduction of new Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Wastewater treatment system;

- (k) Requirements for notification of Slug Discharges and changes that affect the potential for Slug Discharges as well as requirements to control Slug Discharges if determined by the POTW to be necessary;
- (l) Other conditions as deemed appropriate by the Authority to ensure compliance with Legal Requirements.

An illustrative example of the WDP to be issued by the Authority is attached hereto as **Exhibit “A.”** The Authority may modify the WDP and its contents in its sole discretion in keeping with these Rules and Regulations.

**1.7. Modification of Standards.** Upon any change, modification, or addition to the Federal Categorical Pretreatment Standards for a particular industrial subcategory (“Categorical Standard”), or approval, modification or change to other law, statute or regulation which modifies the Authority’s Legal Requirements, all effected WDPs shall be automatically modified so as to incorporate that Categorical Standard and/or regulatory change and the Wastewater Discharge Permittee shall incorporate into its operating procedures and update its facilities to meet all requirements necessary to achieve compliance with the new Categorical Standard or regulatory change.

- (d) (a) Commercial CS Customer.
- (e) i. A Commercial CS Customer subject to a Categorical Standard shall be deemed an SIU. Where a Commercial CS Customer becomes subject to a Categorical Standard, and has not previously submitted an application for a WDP as required by Article IV, Section 1.5, the Commercial CS Customer shall file a notification with

the Authority which notifies the Authority of its change in status within sixty (60) days of such change. The notification shall contain the information required by Article V, Section 2.1. The Authority shall notify the Commercial CS Customer in writing that it is deemed an SIU which must apply for a WDP. The Authority's notification shall include a Wastewater Discharge Survey and/or permit application, as the Authority deems appropriate. The Commercial CS Customer shall apply for a WDP within sixty (60) days after written notification by the Authority of the requirement to apply and shall comply with any applicable compliance schedule mandated by Legal Requirements which is more stringent than these Rules and Regulations.

(f) ii. The Authority shall send out Wastewater Discharge Surveys to Commercial CS Customers who the Authority suspects may fall under a new Categorical Standard. The failure of the Authority to send out a Wastewater Discharge Survey to a Commercial CS Customer which is or becomes subject to a Categorical Standard shall not relieve that Commercial CS Customer of the obligation to report its change in status.

(g) (b) Existing WDP. Where an existing Wastewater Discharge Permittee becomes subject to a new Categorical Standard, the Wastewater Discharge Permittee shall notify the Authority of this change within sixty (60) days and submit, with the notification, the information required by Article V, Section 2.1, along with either a new application pursuant to Article IV, Section 1.5 or a request for modification pursuant to Article IV, Section 1.8. An existing Wastewater Discharge Permittee that becomes subject to a new Categorical Standard shall comply with any applicable compliance schedule mandated by Legal Requirements which is more stringent than these Rules and Regulations. Compliance with an existing WDP does not relieve a Wastewater Discharge Permittee from its obligations regarding compliance with any

and all applicable local, state, and federal Pretreatment Standards and Requirements, including any such standards or requirements which might become effective during the term of the WDP.

(h) 1.8. Change in Operation or Permit Conditions. A new WDP shall be required by a Commercial CS Customer or an existing SIU where any of the following circumstances occur unless the Authority or the Pretreatment Coordinator determines, in its discretion, that a modification to an existing WDP can adequately address all Discharge issues resulting from the change in operation or permit condition delineated below:

(a) To incorporate any new or revised federal, state, or local Pretreatment Requirements or Categorical Standards;

(b) To address significant alterations or additions to operations, processes, or Wastewater volume or character since the time of WDP issuance;

(c) To address a change in any process or Discharge condition at the Wastewater Discharge Permittee's facilities or in the POTW which requires either a temporary or permanent reduction or elimination of the authorized Discharge;

(d) Upon receipt of information indicating that the permitted Discharges pose a threat to the Authority's Treatment Plant, the applicable Collection System, POTW personnel, or the receiving waters;

(e) To address violations of any terms or conditions of the WDP;

- (f) Where the Permittee misrepresented or failed to disclose fully all relevant facts in a Wastewater Discharge Survey or WDP application or additional information requested by the Authority or in any required reporting;
- (g) To revise a grant of variance from Categorical Standards pursuant to 40 C.F.R. § 403.13;
- (h) To correct typographical or other errors in the permit;
- (i) Upon request of the Permittee, provided such request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.

The filing of a request by the Permittee for a permit modification, revocation, and reissuance, or termination or notification of planned changes or anticipated noncompliance, does not stay any permit condition. The Authority or Pretreatment Coordinator shall inform Wastewater Discharge Permittees of any proposed changes in their permits at least thirty (30) days prior to the effective date of change. The timeframe in which to file an application for a new WDP based on a change in permit condition shall be as set forth in **Article IV, Section 1.7**.

**1.9. Permit Duration.** WDPs shall be issued for a period of one (1) year for the first two (2) years the permit is issued. Thereafter, WDPs shall be issued for a specific time period as determined by the Authority, but not to exceed five (5) years. The Authority may

waive the second one (1) year permit in its sole discretion and issue a permit not to exceed five (5) years in its discretion. The SIU shall apply to renew an existing permit one hundred eighty (180) days prior to the expiration of the SIU's existing permit. The duration and conditions of the renewal permit are subject to modification by the Authority during the term of the permit renewal period as set forth in **Article IV, Section 1.8** but in all cases to allow the Authority to meet Legal Requirements. The SIU shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Where changes to an existing permit cause the Discharge parameters of that permit to be changed, the Authority or the Pretreatment Coordinator may modify the WDP, or in their discretion require a new WDP, in accordance with **Section 1.8**, to incorporate the new permit parameters.

**1.10. Continuation of Expired Permits.** An expired permit will continue to be effective and enforceable until the permit is reissued if:

- (a) The Permittee has submitted a timely complete application, with all required fees, at least one hundred eighty (180) days prior to the expiration date of the User's existing WDP; and
- (b) The failure to reissue the WDP, prior to expiration of the previous WDP, is not due to any act or failure on the part of the Permittee.

(i) **1.11. Permit Transfer or Change in Operation.** WDPs are issued to a specific Permittee for a specific operation. A WDP shall not be reassigned, transferred, or sold to a new owner or operator without prior written notification to and approval of the

Authority through its Pretreatment Coordinator, and provision of a copy of the existing permit to the new owner or operator and provides the information required below.

**1.12. Limitation on Permit Transfer.** Permits may be reassigned, transferred, or sold to a new owner or operator with prior written notification to and approval of the Pretreatment Coordinator as follows:

- (a) The Permittee must give at least one hundred eighty (180) days' advance notice to the Pretreatment Coordinator.
  
- (b) The notice to the Pretreatment Coordinator must include a written certification by the new owner or operator that does the following:
  - i. States that the new owner or operator has no immediate intent to change the facility's operations and processes;
  
  - ii. Identifies the specific date on which the permit transfer is to occur;
  
  - iii. Contains a written acknowledgment of new owner for full responsibility for complying with the existing permit; and
  
  - iv. Payment of all outstanding costs of treatment, fines, penalties, or other financial obligations to the Authority owed by the transferring owner under the existing permit.



- (c) The Pretreatment Coordinator approves the permit transfer. The Pretreatment Coordinator, in his or her sole discretion, may require additional documentation and support for the requested transfer from both the existing Wastewater Discharge Permittee and the proposed transferee. The Pretreatment Coordinator shall approve or deny the transfer of the permit within thirty (30) days of receiving the transfer notice and all documentation requested by the Pretreatment Coordinator.
- (d) In the event that a request for a transfer of a permit is denied, the requesting Wastewater Discharge Permittee may file an appeal to that decision within thirty (30) days of the denial, pursuant to **Article VI, Section 1.10.**

(j) 1.13. Permit Review and Appeals.

- (a) A Commercial CS Customer, including a Wastewater Discharge Permittee, may petition the Pretreatment Coordinator to review and reconsider any part of a WDP within thirty (30) days of issuance.
- (b) A Wastewater Discharge Permittee may petition the Pretreatment Coordinator to review and reconsider any change, modification, or action taken under the WDP within thirty (30) days of the reviewable action having occurred.
- (c) The petition must be in writing. Failure to submit a timely completed petition for review, with applicable fees, will be deemed a waiver of any administrative appeal.

In its petition, the petitioner must indicate the permit provisions or reviewable action objected to, the reasons for the objection, and the alternative condition, if any, it seeks to be placed in the permit.

(d) The permit, with all conditions, will remain in effect and will not be stayed pending appeal. If the Pretreatment Coordinator fails to act on the petition for appeal by approving, denying, or modifying the permit or its conditions as requested within forty-five (45) days from the date of filing the petition for appeal with the Pretreatment Coordinator, the request(s) in the petition will be deemed to be approved.

(e) Decisions by the Pretreatment Coordinator to issue a permit, to deny issuance of a permit, to modify a permit, or to deny modification of a permit term or condition may be appealed pursuant to **Article VI, Section 1.10** of the Authority's Rules and Regulations, within thirty (30) days of the occurrence of the administrative action upon which the appeal is based, to the Authority Board of Directors ("Authority Board") or its designee. The decision of the Authority Board or its designee shall be considered a final administrative action for the purposes of judicial review.

(e) A petitioner seeking judicial review of the final administrative permit decision must do so by filing a complaint with the Court of Common Pleas of Monroe County, Pennsylvania within thirty (30) days of written receipt of the decision by the Authority Board or its designee.

(k) 1.14. Determination of Non-Significant Categorical Industrial User.

(a) Once a Wastewater Discharge Permittee has been determined to be an SIU, the Authority may make a subsequent determination, that the Wastewater Discharge

Permittee is a Non-Significant Categorical Industrial User if it has no reasonable potential for adversely affecting the Treatment Plant's operation or for violating any Pretreatment Requirements, or if it otherwise meets the criteria set forth herein.

(b) A Wastewater Discharge Permittee may petition the Authority to be deemed a Non-Significant Categorical Industrial User after five (5) consecutive years of no violations under the WDP or any other permit regulating Discharges issued by the Commonwealth of Pennsylvania Department of Environmental Protection or any program in which the Federal Environmental Protection Agency acts as a Control Authority.

(c) In order to be determined a "Non-Significant Categorical Industrial User" by the Authority, the Wastewater Discharge Permittee shall be:

i. An SIU subject to an already permitted categorical Pretreatment Standards under 40 C.F.R. §403.6 and 40 C.F.R. Chapter 1, Subchapter N which, as determined upon a finding by the Authority;

ii. Never Discharges more than 100 gallons per day (gpd) of total categorical Wastewater (excluding sanitary, non-contact cooling and boiler blowdown Wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

a. The Wastewater Discharge Permittee has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b. The Wastewater Discharge Permittee annually submits the certification statement required in 40 C.F.R. §403.12(q) together with any additional information to support the certification statement;

c. The Wastewater Discharge Permittee never discharges any untreated concentrated Wastewater; and

d. The Wastewater Discharge Permittee has been issued a WDP by the Authority for a five (5) year period in which there has been no violations.

(d) The determination of whether a Wastewater Discharge Permittee shall be made upon petition of the Wastewater Discharge Permittee. The petition shall be filed with the Authority, along with all applicable fees. The petition shall be reviewed by the Pretreatment Coordinator for completion. The Wastewater Discharge Permittee shall supply any additional information required by the Pretreatment Coordinator for the purpose of reviewing the petition. Within forty-five (45) days of receipt of the petition and all additional information required by the Pretreatment Coordinator, the Pretreatment Coordinator will make a written recommendation to the Authority Board of Directors as to whether the Wastewater Discharge Permittee should be deemed a Non-Significant Categorical Industrial User. A copy of the recommendation shall be provided to the Wastewater Discharge Permittee.

(e) A local agency hearing shall be set before the Authority Board of Directors in which the petitioner shall present evidence in support of its petition within thirty (30) days of receipt of the Pretreatment Coordinator's recommendation. The hearing shall take place no later than sixty (60) days after receipt of the Pretreatment Coordinator's recommendation unless extended by the Wastewater Discharge Permittee. The hearing shall be conducted in accordance with **Article VI, Section 1.9, et seq.** hereof.

(f) The Authority may revoke its determination that an SIU is a Non-Significant Categorical Industrial User for good cause. Good cause shall include, by way of

illustration but not limitation, subsequent Discharge violations; violations of these Rules and Regulations; becoming subject to a new Categorical Discharge Standard; and/or significant changes in its operations and/or Discharge facilities.

**ARTICLE 5 SECTION 2: FEES.**

**ARTICLE 6 2.1. PURPOSE.** THE PURPOSE OF THE AUTHORITY'S FEES AND CHARGES LEVIED AS PART OF A WDP IS TO REIMBURSE THE AUTHORITY FOR THE COSTS AND EXPENSES WHICH IT INCURS IN IMPLEMENTING, OPERATING, AND MAINTAINING THE INDUSTRIAL PRETREATMENT PROGRAM. THE APPLICABLE CHARGES OR FEES SHALL BE SET FORTH IN THE AUTHORITY'S SCHEDULE OF CHARGES AND FEES AS MAY BE AMENDED ANNUALLY BY RESOLUTION OF THE AUTHORITY.

**ARTICLE 7 2.2. CHARGES AND FEES.** THE AUTHORITY SHALL ESTABLISH AND ADOPT A FEE SCHEDULE FOR CHARGES, WHICH SHALL INCLUDE, BUT NOT BE LIMITED TO:

**ARTICLE 8 (A) FEES FOR REIMBURSEMENT OF COSTS OF SETTING UP AND OPERATING THE AUTHORITY'S PRETREATMENT PROGRAM;**

- (b) fees for monitoring inspections and surveillance procedures;
- (c) fees for reviewing accidental Discharge procedures and construction;
- (d) fees for permit applications;
- (e) fees for filing appeals;

- (f) fees for consistent removal (by the Authority) of pollutants otherwise subject to Federal Pretreatment Standards;
- (g) other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees chargeable by the Authority.

(a) Section 3: Confidential Information.

**3.1. Commercial CS Customers.** Subject to the provisions of **Article IV, Section 3.2** below, all information and data reported to the Authority by all Commercial CS Customers shall be public information subject to the procedures set forth in Pennsylvania’s Right-to-Know Law, 65 P.S. §§ 67.101, *et seq.* (“RTKL”), 40 C.F.R. § 403.14, and 40 C.F.R. Part 2. The public information shall include effluent data, reports, questionnaires, permit applications, permits and monitoring programs, and inspection results. Effluent data shall be available to the public or other governmental agency, without restriction in accordance with 40 C.F.R. § 403.14(b), within five (5) days of the request.

**3.2. Confidential Information Procedures.** A Commercial CS Customer may specifically request that information and data be kept confidential pursuant to the procedures and to the extent provided in the RTKL, including if the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets or confidential proprietary information pursuant to 65 P.S. §§ 67.102, 67.707(b), and 67.708(b)(11). To make such a request, the Commercial CS Customer must comply with the procedures in the RTKL, 65 P.S. § 67.707(b), by providing, upon submittal of the information, a written statement

signed by a representative that the information contains a trade secret or confidential proprietary information. When submitting information, Commercial CS Customers should segregate all information asserted to be confidential from information which is public, and attach a cover sheet to the confidential information providing notice that it contains a trade secret or proprietary or otherwise confidential information, as contemplated in 40 C.F.R. § 2.203(b). Allegedly confidential portions of otherwise non-confidential documents should be clearly identified.

(b) The Authority and/or applicable CSO shall respond to requests for information designated as confidential in accordance with the RTKL, 65 P.S. § 67.707(b), as detailed herein. The Authority and/or CSO shall provide notice to a Commercial CS Customer of any record request, which may result in the release of information that a Commercial CS Customer designated as confidential, within five (5) days of receipt of such request. The Commercial CS Customer shall have five (5) business days from receipt of notice to respond, in writing, to the Authority and/or CSO as to whether the Commercial CS Customer agrees to the release of the information or continues to request that the information be kept confidential. A Commercial CS's failure to respond within five (5) business days, in writing, to a notification by the Authority of a request for information which may be deemed as confidential will result in the Authority making a determination as to the confidentiality of the record without further input from the requesting Commercial CS Customer, pursuant to 65 P.S. § 67.707(b). Thereafter, the Authority shall deny the request for the record or release the record within ten (10) business days of the provision of notice to the Commercial CS Customer and shall notify the Commercial CS Customer of the decision. In the event there is an appeal of the decision regardless of whether the Commercial CS Customer defends confidentiality as contemplated in 65 P.S. § 67.707(c), the Commercial CS Customer shall be solely responsible for all costs including, but not limited to,

counsel fees, expert fees, court costs, litigation costs, fines, and penalties incurred by the Authority in defending the Commercial CS Customer's request for confidentiality.

(c) Where information provided by a Commercial CS Customer, including a report or portions of reports, may disclose trade secrets or secret processes, is not made available for inspection by the public, said information shall still be made available to governmental agencies for uses related to the POTW, the National Pollutant Discharge Elimination System (NPDES) Permit, State Disposal System Permit, and/or the Pretreatment Programs. The Authority shall request these governmental agencies to keep the information confidential pursuant to the RTKL and/or applicable federal law but cannot warrant that the information will be kept confidential by the governmental agencies. Further, such information, notwithstanding the above, shall be made available for use by the United States, the Commonwealth of Pennsylvania, the Authority, and any federal or state agency for administrative or judicial review, or enforcement proceedings which involves the Commercial CS Customer furnishing the confidential information. Nothing herein shall preclude the Authority from utilizing the information in legal proceedings to enforce its rights and obligations under Legal Requirements. Wastewater constituents and characteristics will not be recognized as confidential information.

**Section 4: Signatory Responsibility.**

**4.1. General Legal Responsibility.** All required reports, surveys, and applications submitted by a Commercial CS Customer must be signed by an Authorized Representative. Any person who knowingly makes any false statements, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to Federal Pretreatment Regulations and/or these Rules and Regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under Federal



Pretreatment Regulations or a WDP, shall be subject to the civil and criminal penalties as set forth at 40 C.F.R. § 403.12(n) governing false statements, representations, or certifications in reports required under the Act, as well as 18 Pa. C.S. § 4904, as amended.

**4.2. Signatory Requirements.** Each report, survey, application, and/or required information submitted to the Authority, by or on behalf of the Wastewater Discharge, Permittee must contain the following certification statement and be signed by an Authorized Representative as defined in Sections (a), (b), (c), or (d) below:

“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 the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that, pursuant to Section 309(c)(4) of the Clean Water Act, as amended, and 18 Pa. C.S. § 4904, there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

- (a) By a responsible corporate officer, if the Commercial CS Customer submitting the reports is a corporation. For the purpose of this paragraph, a responsible corporate officer means either of the following:

- i. A president, secretary, treasurer, or vice-president 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
  - ii. The manager of one or more manufacturing, production, or operating 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 ensure that the necessary systems are established or actions taken to gather complete and accurate information for permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (b) By a general partner or proprietor if the Commercial CS Customer submitting the documents is a partnership or sole proprietorship, respectively.

(c) The principal executive officer or director having responsibility for the overall operation of the Discharging facility if the Commercial CS Customer submitting the documents if a federal, state, or local governmental entity, or their agents.

(d) By a duly authorized representative of the individual designated in paragraph (a), (b), or (c) of this section if:

i. the authorization is made in writing by the individual described in paragraph (a), (b), or (c);

ii. the authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the Industrial Discharge originates, such as the position of plant manager, operator of a well, or a Wastewater superintendent, or a position of equivalent responsibility, or having overall responsibility of environmental matters for the company; and

iii. the written authorization is submitted to the Authority.

(e) If the designation of an Authorized Representative under this section is no longer accurate because a different individual or position has responsibility for the

overall operation of the facility, or overall responsibility for the environmental matters for the company, a new authorization satisfying the requirements of this section must be submitted to the Authority before or together with any documents to be signed by an Authorized Representative.

## **ARTICLE V - COLLECTION IPP - IMPLEMENTATION**

### **Section 1: Discharge Parameters – Regulations.**

#### **1.1. GENERAL DISCHARGE PROHIBITIONS – WASTEWATER DISCHARGE PERMITS.**

No SIUs shall Discharge any Commercial Waste in violation of or in accordance with the General Discharge Prohibitions found in **Article III, Section 3.2**, federal law, or the Categorical Pretreatment Standards, as defined herein, which are incorporated herein as though fully set forth. The WDP issued to an SIU may specify more stringent or additional General Discharge Prohibitions as set forth in **Article III, Section 3.2**. A WDP does not convey any property rights of any sort or any exclusive privileges nor does it authorize any injury to private property; any invasion of personal rights; or any violations of federal, state, or local law or ordinance.

**1.2. Specific Pollutant Limitations – Wastewater Discharge Permits.** No SIUs shall discharge any Commercial Waste in violation of the Specific Pollutant Limitations (Local Limits) as set forth in **Article III, Section 3.3** hereof, federal law, or the Categorical Pretreatment Standards, as defined herein and which are incorporated herein as though fully set forth. Nothing herein shall limit a CSO from implementing more stringent Specific Pollutant Limitations than are set forth in **Article III, Section 3.3**. If more stringent Specific Pollutant

Limitations are adopted by a CSO either through its Rules and Regulations or through a contractual agreement with its Customers, then those Specific Pollutant Limitations shall be utilized for WDPs issued for that Collection System, as applicable. The WDP issued to an SIU may specify more stringent, specific parameters for Specific Pollutant Limitations as required to meet Legal Requirements.

**1.3. Dilution.** A Permittee must not ever increase the use of potable or process water or, in any way attempt to dilute a Discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Pretreatment Coordinator may impose mass limitations on Permittees who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is appropriate.

**1.4. Bypass of Treatment Facilities.** Bypass is prohibited:

(a) Unless the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage;

(b) Unless there were no feasible alternatives, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass that occurred during normal periods of equipment downtime or preventative maintenance;

(c) The Permittee may allow bypass to occur with the advanced written approval of the Authority or the Pretreatment Coordinator if it does not cause Effluent Limitations to be exceeded but only if it is also for essential operation;

- (d) Notification of bypass:
- i. Anticipated bypass. If the Permittee knows in advance of the need for a bypass, it must submit prior written notice, at least ten (10) days before the date of the bypass, to the Pretreatment Coordinator;
  - ii. Unanticipated bypass. The Permittee must notify the Pretreatment Coordinator within ten (10) hours from the time it becomes aware of an unanticipated bypass and submit a written notice to the Authority within five (5) days. This report must specify:
    - a. A description of the bypass, and its cause, including duration with exact dates and times;
    - b. Whether the bypass has been corrected and if the bypass has not been corrected, the anticipated time it is expected to continue; and
    - c. The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the bypass.

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**1.5. Anticipated Noncompliance.** The Permittee must give ninety (90) days' advance notice to the Authority of any planned changes in the permitted facility or activity that could result in noncompliance with permit requirements. Included in the notice shall be:

- (a) a detailed statement of what changes are to be made;
- (b) the time frame in which the changes shall be instituted; and
- (c) a detailed plan setting forth corrective measures which will be taken in the

event noncompliance occurs.

**1.6. Planned Changes to Discharge.** The Permittee must give notice to the Authority ninety (90) days before any facility expansion, production increase, or process modifications which results in new or substantially increased Discharges or a change in the nature of the Discharge. Included in the notice shall be:

- (a) a detailed statement of what changes are to be made;
- (b) the time frame in which the changes shall be instituted; and
- (c) a detailed plan setting forth corrective measures which will be taken in the event noncompliance occurs.

**1.7. Operating Upsets.** Any Wastewater Discharge Permittee who experiences an Upset in operations which places the Discharging facility in a temporary state of noncompliance with the provisions of the issued WDP, the Authority's Rules and Regulations, and/or Legal Requirements must inform the Authority and all other reporting entities listed in Part II, B, 4, f of the WDP, within ten (10) hours of becoming aware of the Upset. Thereafter, a written follow-up

report of the Upset must be filed by the Permittee with the Authority and applicable CSO within five (5) days. The report must specify the following:

- (a) Description of the Upset, the cause(s) thereof, and the Upset's impact on the Permittee's compliance status;
- (b) Duration of noncompliance, including exact dates and times of noncompliance, and if not corrected, the anticipated time the noncompliance is expected to continue; and
- (c) All steps taken or to be taken to reduce, eliminate, and prevent recurrence of such an Upset.

The report must also demonstrate that the treatment facility was being operated in a prudent and workmanlike manner.

A documented and verified operating Upset may be an affirmative defense to any enforcement action brought against the Wastewater Discharge Permittee for violations attributable to the Upset event. It shall not constitute a defense for damages, pursuant to **Article VI, Section 1.7** of these Authority's Rules and Regulations, incurred by the Authority or third parties which occur as a result of the operational Upset.



**ARTICLE 9 1.8. NOTIFICATION OF IMPROPER DISCHARGE.**

When the Authority determines that a Wastewater Discharge Permittee is contributing any substance to the POTW, which is causing Interference, the Authority shall:

- (a) Advise the applicable CSO and the Wastewater Discharge Permittee of the impact of the contribution on the POTW; and
- (b) Determine and implement the proper course of action to remedy the problem caused or being caused by the prohibited Discharge.

**ARTICLE 10 1.9. FEDERAL CATEGORICAL PRETREATMENT STANDARDS.**

- (a) **Adoption of Federal Categorical Pretreatment Standards and the Resource Conservation and Recovery Act (“RCRA”).**

The Authority adopts and incorporates the Federal Categorical Pretreatment Standards, 40 C.F.R. §§ 403.1, *et seq.*, as well as the Resource Conservation and Recovery Act, 40 C.F.R. §§ 261, *et seq.*, as each may be amended from time to time, as part of the Rules and Regulations of the Authority. The requirements contained therein shall apply to all connections to a Collection System and the Treatment Plant unless more stringent requirements are enacted herein. Each Collection System and any municipality shall adopt the federal provision as part of an ordinance adopting these Rules and Regulations.

- (b) **Applicable Standards.** If a Categorical Standard is more stringent than the Local Limits adopted herein, then the Categorical Standard imposed for that subcategory shall immediately supersede the Local Limits imposed by the Rules and Regulations. The

Authority shall notify all affected Commercial CS Customers under which Categorical Standard they are required to report pursuant to 40 C.F.R. § 403.12.

(a) 1.10. Combined Wastestream Formula. <RESERVED>

**1.11. Net/Gross Calculation. <RESERVED>**

**ARTICLE 11 1.12. MODIFICATION OF FEDERAL CATEGORICAL PRETREATMENT STANDARDS.**

**ARTICLE 12** THE AUTHORITY MAY ELECT TO MODIFY A SPECIFIC POLLUTANT DISCHARGE LIMIT AS STATED IN THE FEDERAL PRETREATMENT STANDARDS IF THE REQUIREMENTS CONTAINED IN 40 C.F.R. § 403.7 ARE FULFILLED AND PRIOR APPROVAL FROM THE APPROVAL AUTHORITY IS OBTAINED.

**1.13. State or Other Regulatory Requirements.**

If the Commonwealth, or any regulatory agency with jurisdiction, adopts new Discharge requirements and limitations for the Wastewater Treatment Plant, such requirements and limitations shall apply to all WDPs in any circumstance where those limits are more stringent than federal requirements and limitations contained herein. Wastewater Discharge Permittees shall comply with any applicable compliance schedule mandated by Legal Requirements which is more stringent than these Rules and Regulations.

**ARTICLE 13 1.14. AUTHORITY'S RIGHT OF REVISION.**

The Authority reserves the right to establish by resolution more stringent limitations or requirements on Discharges to the Wastewater disposal system if necessitated by Legal Requirements. If the Authority establishes new limitations pursuant to Legal Requirements, then

each CSO shall adopt those new limitations within ninety (90) days of written notification of same by the Authority.

(a) Section 2. Reporting.

(a) 2.1. Reporting Requirements for Permittee.

(b) (a) Report of New Categorical Discharge. Any Wastewater Discharge Permittee who is subject to a new Categorical Standard and any Commercial CS Customer who becomes subject to a Categorical Standard shall notify the Authority of this change within sixty (60) days and submit, with the notification, the following information:

- i. a description of the nature and concentration of all Pollutants in the Discharge from the regulated processes which are limited by the new Categorical Standard with any applicable BMPs;
- ii. the average and maximum daily flow for the process units in the processes and operations which are limited by the new Categorical Standard;
- iii. whether the applicable Categorical Standards are being met on a consistent basis and if not, what additional operations and maintenance and/or pretreatment may be necessary to achieve compliance with the applicable Categorical Standards;

iv. the signature of an Authorized Representative. If required by the Pretreatment Coordinator, all samplings which make up reporting data shall be performed in accordance with a preapproved sampling plan.

(b) Upon receipt of the notice from the Wastewater Discharge Permittee, the Authority or Pretreatment Coordinator shall make a determination as to whether a new application for a WDP must be submitted or whether a WDP modification application will be required within thirty (30) days of receipt of the notice. Permittee shall submit the required application upon receipt of notice from the Authority within the time frame set forth in **Article IV, Section 1.5** of these Rules and Regulations.

**2.2. Periodic Compliance Reports.**

(a) All Wastewater Discharge Permittees shall submit a report every three (3) months to the Authority, as required by the applicable Categorical Standard or WDP (“Periodic Compliance Report”). The report shall set forth the nature and concentration of Pollutants in the effluent which are limited by such Pretreatment Standards. Periodic Compliance Reports shall be due within fifteen (15) days of completion of the reporting period. The Pretreatment Coordinator may, in his or her discretion, revise the reporting schedule set forth in a WDP to achieve compliance with this permit, the Authority’s Rules and Regulations, and Legal Requirements. In the case where a Local Limit requires compliance with a Best Management Practice or Pollution prevention alternative, the Wastewater Discharge Permittee must submit documentation, required by the Authority, to the Authority which shall demonstrate the compliance status of the Wastewater Discharge Permittee. The Authority reserves the right to change or alter the months during which the above reports are to be submitted.

(b) The Authority, in its discretion, may impose Pollutant mass limitations on any Wastewater Discharge Permittee which is illegally using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases where the imposition of mass limitations on a particular Pollutant are appropriate. In such cases, the report required by subparagraph (a) of this paragraph shall indicate the mass of Pollutants regulated by Pretreatment Standards in the effluent. These reports shall contain the results of sampling and analysis of the Discharge, including the flow and nature and concentration, or production and mass where requested by the Authority, of Pollutants contained therein which are limited by the applicable Pretreatment Standards.

(c) If the Wastewater Discharge Permittee, subject to the reporting requirements of this section, monitors any Pollutant more frequently than required by the Authority, the results of this monitoring shall be included in the reports to the Authority.

### **2.3. Report of Violation.**

(a) If the sampling performed by a Wastewater Discharge Permittee indicates a violation, the Wastewater Discharge Permittee shall notify the Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the violation. The Wastewater Discharge Permittee shall repeat the sampling and analysis and submit the results of the repeat analysis to the Pretreatment Coordinator within fifteen (15) days after becoming aware of the violation. Where the Authority has performed the sampling and analysis which indicates a violation, the Authority shall perform the repeat sampling and analysis unless it notifies the Wastewater Discharge Permittee of the violation and requires the Wastewater Discharge Permittee to perform the repeat sampling and analysis. All samplings and analyses shall be performed as prescribed in the WDP.

(b) The Authority shall have the right to perform continuous sampling of a Wastewater Discharge Permittee's Discharge if the Authority is notified of a violation. Nothing contained herein shall relieve the Wastewater Discharge Permittee of the obligation to meet Discharge requirements at all times. The Authority may require both the Permittee and the Collection System Owner to terminate a Permittee's Discharge into the POTW at any time in order to ensure the proper functioning of the POTW.

**Section 3. Accidental Discharges.**

**3.1. Accidental Discharge.**

(a) All Wastewater Discharge Permittees shall provide protection from accidental Discharge of any substance which Discharge may cause Interference or Pass Through.

(b) The Authority or the CSO may require, in their discretion, that the Wastewater Discharge Permittee provide and maintain IPP Facilities to prevent accidental Discharge of prohibited materials at the Wastewater Discharge Permittee's sole cost and expense. Detailed documentation, including Record Drawings, showing the IPP Facilities, the accidental Discharge plan, and operating procedures to provide this protection shall be submitted to the Authority and the hosting CSO for review, before construction of any IPP Facility. All Wastewater Discharge Permittees shall be required by the Authority to complete an accidental Discharge plan within thirty (30) days of notification by the Authority for the need for such accidental Discharge plan. No Wastewater Discharge Permittee who connects to the POTW after the effective date of these Rules and Regulations shall be permitted to introduce Pollutants into the POTW until the Authority has reviewed an acceptable accidental Discharge plan. Review of such plans by the Authority shall not relieve the Wastewater Discharge Permittee from the

responsibility to modify the Wastewater Discharge Permittee's IPP Facility as necessary to meet Discharge requirements, nor shall the submission and approval of an accidental Discharge plan in any way negate the liability from such an accidental Discharge.

(c) In the case of an accidental Discharge, it is the responsibility of the Wastewater Discharge Permittee to immediately telephone and notify the Pretreatment Coordinator or his or her designee, the Monroe County Control Center, EPA, PaDEP, and the CSO for the Collection System in which the accidental Discharge took place. The notification shall include location of the Discharge, type of Waste, concentration and volume, and corrective actions.

(d) **Written Notice of Accidental Discharge.** Within five (5) days following an accidental Discharge, the Wastewater Discharge Permittee shall submit to the Authority and the CSO a detailed written report describing the cause of the Discharge and the measures to be taken by the Wastewater Discharge Permittee to prevent similar future occurrences. Such notification shall not relieve the Wastewater Discharge Permittee of any expense, loss, damage, or any other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property, nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations, Legal Requirements, or other applicable law.

(e) **Notice to Wastewater Discharge Permittees' Employees.** A notice shall be permanently posted on all Wastewater Discharge Permittees' bulletin boards or other prominent place advising employees who to call in the event of an accidental Discharge. Employers shall ensure that all employees who may cause or suffer such an accidental Discharge to occur are advised of the emergency notification procedure.

(f) Numbers to Call. The telephone contact numbers to call in the event of accidental Discharge are as follows:

- **the Pretreatment Coordinator/designee/Authority (570) 421-3232 during normal business hours (7:00 a.m. to 5:00 p.m.);**
  
- **nights and weekend, call Control Center (570) 992-4500 and ask for the Wastewater Treatment Plant Operator in charge;**
  
- **the Monroe County Control Center (570) 992-4500;**
  
- **the EPA NTL Response Center (800) 424-8802; and**
  
- **the PaDEP (570) 826-2511.**
  
- **the CSO for the Collection System in which the accidental Discharge took place (contact information located on the first page of the WDP).**

(a) The contact information in this provision is subject to change. It is the responsibility of the Wastewater Discharge Permittee to maintain accurate contact information for all of the above listed contacts.

(b) 3.2. Reporting Requirements Under 40 C.F.R. § 403.12(p).

(a) In addition to the reporting requirements for accidental Discharge (**Article V, Section 3.1**) the Wastewater Discharge Permittee shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous Waste authorities, in writing, of any Discharge into the POTW of a substance which, if otherwise disposed of, would



be a hazardous Waste under 40 C.F.R. Part 261. Such notification must include the name of the hazardous Waste as set forth in 40 C.F.R. Part 261, the EPA hazardous Waste number, and the type of Discharge (continuous, batch, or other).

**Section 4: Inspections.**

**4.1. Right to Inspect.** The applicable CSO and the Authority may inspect, with or without prior notice, the facilities of any Wastewater Discharge Permittee to determine whether all WDP requirements are being complied with pursuant to their terms and these Rules and Regulations. Persons or occupants of a facility, who have been issued a WDP, shall allow representatives of the CSO and the Authority ready access, upon the presentation of proper identification, at all reasonable times to all areas of the premises for the following purposes:

(a) Enter the Permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of the WDP;

(b) Have access to and copy, at reasonable times, any records which must be kept under the conditions of the WDP;

(c) Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under the WDP;

(d) Sample or monitor, for the purposes of assuring permit compliance, any substances or parameters at any location; and

(e) Inspect any production, manufacturing, fabricating, or storage area where pollutants, regulated under the WDP, could originate, be stored, or be Discharged to the POTW.

**4.2. Annual Inspection.** The Authority shall inspect all facilities for which a WDP has been issued at least once a year. The annual inspection may be performed by the Authority with or without prior notice to the Permittee. Additional inspections may be conducted by the Authority as the Authority deems, in its sole discretion, to be necessary.

**4.3. Written Notice after Inspection.**

Following the inspection, the Authority will send written notice to the inspected Wastewater Discharge Permittee containing a summary of permit limitations, the results of the inspection, and notice to correct any violations of permit limitations. The notice shall contain time limits for correction as well as fines and penalties for failure to timely complete.

**Section 5: Operation and Maintenance of Pretreatment Facilities.**

**5.1. Responsibility.**

(a) It shall be the responsibility of the Wastewater Discharge Permittee to maintain its IPP Facilities in a working order to provide consistent compliance with the limitations set forth in the WDP and/or the Rules and Regulations of the Authority.

Operation of the IPP Facilities shall be undertaken according to the prescribed methods of the manufacturer as reviewed by the Authority, to provide consistent compliance with the limitations set forth in these Rules and Regulations and the WDP. The Wastewater Discharge Permittee shall be required to maintain all documentation reflecting operations and maintenance of its IPP Facilities in accordance with its permit and these Rules and Regulations.

(b) If required by the Authority, a Wastewater Discharge Permittee shall develop and implement a Slug control plan containing the elements itemized at 40 C.F.R. §403.8(f)(2)(vi). The Slug control plan shall be submitted to the Authority for review and approval before implementation.

**5.2. Flow Measurement.** The volume of flow used in computing loadings or surcharges shall be based on the total water consumption data as obtained from the water records provided by the water supplier to the property or if the water source is private, from meter readings from the wellhead of that private water source. The foregoing notwithstanding, if the Permittee can demonstrate to the satisfaction of the Authority that a substantial portion of the metered water does not reach the Sanitary Sewer system, the Permittee may, at its own expense, and with approval from the Authority and the CSO, install a separate flow metering device to measure the actual Discharge into the sanitary system. If the Permittee requests to install a Wastewater flow metering device or if measurement of Wastewater flow is required by this permit, then the actual flow to the sanitary system must be measured with equipment used for the measurement of such flow and must be maintained in proper working order at all times. The appropriate flow measurement devices must be approved by the Authority's engineer prior to installation and will be used to ensure the accuracy and reliability of measurement of the volume of monitored Discharges. The devices must be installed, calibrated, and maintained to ensure

that the accuracy of the measurements is consistent with the accepted capability of that type of device. The devices selected must be capable of measuring flows with a maximum deviation of less than ten (10%) percent from true Discharge rates throughout the range of expected Discharge volumes. A separate written record of calibration and maintenance must be kept for the flow metering device and made readily available for inspection by the Authority. All meters must be calibrated annually; proof of which must be submitted to the Authority within thirty (30) days of calibration.

**5.3. Monitoring Facilities.**

(a) The Authority shall require each Wastewater Discharge Permittee to provide and operate, at the Wastewater Discharge Permittee's sole expense, monitoring facilities to allow inspection, sampling, and flow measurement of the Wastewater Discharge Permittee's Sewer and/or internal drainage systems. The monitoring facility should normally be situated on the Wastewater Discharge Permittee's premises, but the Authority may, when such a location would be impractical or cause undue hardship on the Wastewater Discharge Permittee, allow the monitoring 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, contingent upon the Wastewater Discharge Permittee obtaining all required permits from governmental authorities with jurisdiction. The monitoring facility shall be located as set forth in the Special Condition section of a WDP and constructed in accordance with the Authority's Rules and Regulations.

(b) Each monitoring facility shall provide ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facility, sampling, and measurement equipment shall be maintained

at all times in a safe and proper operating condition at the expense of the Wastewater Discharge Permittee.

(c) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local zoning permitting construction standards and specifications. Construction shall be completed within ninety (90) days following written notification to install a sampling and monitoring facility by the Authority.

(c) 5.4. Inspection and Sampling.

(a) **Representative Sampling.**

Samples and measurements taken as required by a WDP must be representative of the volume and nature of the monitored Discharge. All samples must be taken at the monitoring points specified in the WDP and, unless otherwise specified, before the effluent joins or is diluted by any other Wastestream, body of water, or substance. All equipment used for sampling and analysis must be routinely calibrated, inspected, and maintained to ensure their accuracy. Monitoring points must not be changed without notification to and the approval of the Authority.

(b) The Authority shall inspect the facilities of any Wastewater Discharge Permittee pursuant to **Article V, Section 4.1** to determine compliance of the Wastewater Discharge with these Rules and Regulations and the WDP. The Permittee shall authorize the Authority or its representative ready access, at all reasonable times, to all areas of the premises where Wastewater is created or Discharged for the purpose of inspection, sampling, or records examination. The Authority shall have the unfettered right to copy any and all records related to Wastewater Discharge, but shall afford the User the opportunity to designate any copied

documents as confidential in accordance with **Article IV, Section 3**. The Authority shall have the right to set up on the Wastewater Discharge Permittee's property such devices as are necessary to conduct sampling inspections, compliance monitoring, and metering operations.

(c) **Sampling Plan**. Each WDP shall contain an individualized sampling plan to which the Permittee must adhere. The sampling plan shall be developed and approved by the Authority. Sampling plans may be modified at any time by the Authority in order to assist the Authority in meeting its obligations pursuant to Legal Requirements.

(d) 5.6. Pretreatment.

(a) All Wastewater Discharge Permittees shall provide necessary Wastewater pretreatment as required to comply with these Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Any IPP Facility necessary to pretreat Wastewater to a level set forth in a WDP shall be provided, operated, and maintained at the Wastewater Discharge Permittee's expense. Detailed plans showing the IPP Facilities and operating procedures shall be submitted to the Authority for review. The review of such plans and operating procedures will in no way relieve the Wastewater Discharge Permittee from the responsibility of modifying the IPP Facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rules and Regulations. Any subsequent changes in the IPP Facilities or method of operation shall be reported to and be acceptable to the Authority prior to the Wastewater Discharge Permittee's initiation of the changes.

(b) All records relating to compliance with Pretreatment Standards shall be made available to officials of any governmental agency with jurisdiction upon request and

maintained in accordance with applicable law, permit conditions and/or these Rules and Regulations, whichever is more stringent.

(e) 5.7. Public Notification. <RESERVED>

## **Section 6: Violations of Permit.**

### **6.1. Significant Noncompliance Permit.**

A Wastewater Discharge Permittee shall be considered to be in Significant Noncompliance (SNC) of its permit if its Discharge meets one (1) or more of the following violation criteria:

(a) Chronic violations of Industrial Pretreatment Limits, defined here as those in which sixty-six (66%) percent or more of all the measurements taken for the same Pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 C.F.R. § 403.3(1);

(b) Technical Review Criteria violations, defined as those in which thirty-three (33%) percent or more of all the measurements taken for the same Pollutant parameter during a six (6) month period equal or exceed the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 C.F.R. § 403.3(1) multiplied by the applicable Technical Review Criteria (Technical Review Criteria = 1.4 for BOD, TSS, FOG, and 1.2 for all other Pollutants except pH);

(c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 C.F.R. § 403.3(1) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the Authority determines has caused alone or in combination with other

Discharges, Interference or Pass Through (including endangering the health of POTW personnel or the general public);

(d) Any Discharge of a Pollutant that has caused imminent endangerment to human health, welfare, or the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a Discharge;

(e) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;

(f) Failure to provide, within forty-five (45) days after the due date, required reports (i.e., baseline monitoring reports, Period Compliance Reports, and reports on compliance with compliance schedules);

(g) Failure to accurately report noncompliance;

(f) (h) Any other violation or group of violations, which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local Pretreatment program.

A Wastewater Discharge Permittee found to be in significant noncompliance of its WDP shall be subject to an enforcement action taken by the Authority which action may result in fines, penalties, surcharges, injunctive relief, revocation of permit, and/or severance of Sewer services.

## **Section 7: Records.**

(g) 7.1. Maintenance of Records.



(h) (a) The Wastewater Discharge Permittee shall retain for a minimum of five (5) years any and all records including, but not limited to, surveys, applications, permits, sampling data, BMP compliance, monitoring activities and results (whether or not such monitoring activities were required by the Authority and shall include all calibration and maintenance records and all original chart recordings for continuous monitoring instrumentation), repairs and updates to IPP Facilities, and regulatory notices or actions. The Wastewater Discharge Permittee shall accurately maintain required information including supporting materials and make such records available for inspection and copying by the Authority.

(i) (b) The five (5) year period of retention shall be extended during the course of any unresolved litigation regarding the Wastewater Discharge Permittee and is discharged five (5) years after the final resolution of any litigation. The Permittee must retain and preserve all records that pertain to matters that are the subject of special orders or any other enforcement or litigation activities brought by the Authority until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired.

(c) The period to maintain records may be extended by written request of the Authority at any time.

**7.2. Contents of Records.** Records of sampling and analyses must including the following:

- (a) The date, exact place, time, and methods of sampling or measurements, and sample preservation techniques or procedures;
- (b) Who performed the sampling or measurement;

- (c) The date(s) analyses were performed;
- (d) Who performed the analyses;
- (e) The analytical techniques or methods used;
- (f) The results of such analyses; and

(j) (g) Any other information required by 40 C.F.R. §403.12(o).

(k) 7.3. Failure to Maintain Records. Failure to maintain all required records with the information required for the time periods established herein shall be cause to revoke a WDP and/or sever Sewer and/or water services and/or levy fines or penalties in accordance with these Rules and Regulations.

7.4. Records to be Available. All records relating to compliance with a WDP shall be made available to officials of the Authority upon request for review and copying. The reports and other documents required to be submitted or maintained under this section shall be subject to the provisions of Section 309(c)(4) of the Clean Water Act, as amended, and 18 Pa. C.S. § 4904, as amended, governing false statements, representations, or certifications.

## **ARTICLE VI – ENFORCEMENT**

**Section 1: Enforcement.**

(l) 1.1. Uniform Standards.

The Authority has adopted and will continue to adopt uniform effluent quality standards consistent with the Legal Requirements, the Cooperation Agreement, and the Sewage Treatment Agreements, from time to time, which shall become applicable to all of the Wastewater Municipalities and their customers upon their respective effective dates. Effluent standards enforced by the Authority shall be amended to enable the Authority to comply with all Legal Requirements including, without limitation, all Industrial Pretreatment Standards of all Regulatory Authorities, and the Authority shall at all times comply with the foregoing.

**1.2. Notice of Violation.**

(a) Whenever the Authority finds that any User has violated or is violating these Rules and Regulations, Legal Requirements, a WDP, or any prohibitions, limitations, or requirements contained herein, the Authority may serve upon such User a written notice stating: 1) the nature of the violation with citation and the required action; 2) the enforcement action to be taken including possible penalties, fines, suspension and/or termination of service and revocation of the WDP; 3) rights of appeal to such enforcement action; and 4) a statement requiring that within twenty (20) days of the date of service of the notice, a plan for the satisfactory correction of the violation, including a time frame for implementation, shall be submitted to the Authority by the User.

(b) Failure to file the corrective plan with the Authority as required by the notice of violation shall be deemed a separate and distinct violation of these Rules and Regulations.

**1.3. Consent Order.** The Authority may enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with a Wastewater Discharge Permittee and/or User which was responsible for noncompliance. Such orders will include specific action to be taken by the Wastewater Discharge Permittee and/or User to correct the noncompliance within a time period specified by the order/agreement.

**1.4. Administrative Order.** When the Authority finds that a Wastewater Discharge Permittee and/or User has violated or continued to violate the provisions set forth in this program, or an order or agreement issued thereunder, the Pretreatment Coordinator may issue an order for compliance to the User responsible for the Discharge. Orders shall contain any requirements as are reasonable, necessary, and appropriate to address the noncompliance, including, but not limited to, the installation of pretreatment technology, BMPs, additional self-monitoring, and the use of BMPs.

**1.5. Suspension of Service and/or Revocation of Permit.**

(a) The Authority may suspend the public water and Wastewater treatment service(s) and/or suspend or revoke a WDP when such suspension/revocation is necessary, in the opinion of the Authority, as follows:

i. The Authority may, after notice of violation, suspend or revoke a User's water or Wastewater treatment service(s) for violation of these Rules and Regulations, as follows:

a. Violation of the conditions of a WDP, these Rules and Regulations, or applicable state and federal regulations including Violation of any

Pretreatment Standard or Requirement including required best management practices. Revocation may be immediate without notice of violation by the Authority depending on the circumstances.

b. Failure to factually and accurately report the Wastewater constituents and characteristics of the Discharge.

c. Failure to report significant changes in operations or Wastewater constituents and characteristics.

d. Refusal of reasonable access to the premises for the purpose of inspection or monitoring.

e. Failure to maintain all records as required.

f. Failure to pay any Sewer charges, fine, penalty, or assessment for violation of these Rules and Regulations or WDP condition when due. A timely appeal of same will prevent failure to pay from being a basis for suspension, revocation, or termination until such time as the appeal process is resolved.

g. Failure to notify the Pretreatment Coordinator of significant changes to the Wastewater before the Discharge changed.

h. Failure to provide prior notification to the Pretreatment Coordinator of applicability of new Categorical Standard or change in operation conditions.

i. Misrepresentation or failure to fully disclose all relevant facts in either the Wastewater Discharge survey or the WDP application.

j. Falsifying self-monitoring reports or certification statements.

k. Tampering with monitoring equipment.

l. Failure to meet compliance schedules.

m. Failure to fully and timely complete a Wastewater survey or the WDP application.

n. Failure to provide advance notice of the transfer of business of a permitted facility and obtain necessary approval for permit transfer.

ii. Any User notified of a suspension of the public Water and/or Wastewater treatment service(s) and/or the revocation of its WDP shall immediately stop or eliminate the contribution. In the event of a failure of the Person to comply voluntarily with the suspension/revocation order, the Authority shall take such steps as deemed necessary including immediate severance of the Sewer connection, to prevent or minimize damage to the POTW system or endangerment to any individuals. The Authority shall reinstate the WDP and/or both public Water and Wastewater treatment service upon proof of the elimination of the noncomplying Discharge and payment of any and all fines, costs, reconnection fees, and damages incurred as a result of the suspension/revocation. A detailed written statement submitted by the User describing the cause(s) of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within fifteen (15) days of the date of occurrence.

iii. **Emergency Suspension of Services.** Notwithstanding anything herein to the contrary, the Authority may immediately suspend a User's water and Wastewater services when, in the opinion of the Authority, an actual or threatened Discharge:

a. presents or may present an imminent or substantial endangerment to the health or welfare of persons, the POTW, or the environment;

b. causes stoppages, Sanitary Sewer overflows, or excessive maintenance to be performed to prevent stoppages in the POTW or Treatment Plant;

c. causes Interference; or

d. caused the Authority to violate any condition of its NPDES Permit or DRBC Docket or any other Legal Requirement.

Any User subject to an immediate emergency suspension of the water and/or Sewer service shall immediately stop or eliminate the Discharge. In the event of a failure of the User(s) to promptly comply voluntarily with the emergency suspension of service(s), the Authority shall take such steps as deemed necessary, including termination of public water and/or Wastewater treatment services, to prevent or minimize damage to the POTW system or Sewer connection or endangerment to any individuals. The Authority shall reinstate the water and/or Sewer service(s) when such conditions causing the emergency suspension have been eliminated and the reconnection fee has been paid. A detailed written statement submitted by the Wastewater Discharge Permittee and/or User describing the cause(s) of the harmful Discharge and the measure(s) taken to prevent any future occurrence shall be submitted to the Authority within fifteen (15) days of the date of occurrence.

**1.6. Administrative Penalty.** Notwithstanding any other remedies or procedures available to the Authority, any User who is found to have violated any provisions of these Rules and Regulations, Legal Requirements, and/or a WDP, or any order issued hereunder, may be assessed an administrative penalty not to exceed Six Hundred (\$600.00) Dollars per violation plus the costs of enforcement and attorneys' fees (as established by resolution). Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation. Such assessment may be added to the Wastewater Discharge Permittee's and/or User's next scheduled Sewer service charge and the Authority shall have such other collection remedies as are available by law including, but not limited to, those remedies available pursuant to the

Publicly Owned Treatment Works Penalty Law, the Borough Code, the First Class Township Code, the Second Class Township Code, and the Act.

**1.7. Recovery of Costs and Damages.** Notwithstanding anything herein to the contrary, the Authority shall have the right to recover all costs and damages it incurs resulting from the operations and/or Discharge from any User into the POTW which results in damage to property or injury to Persons or constitutes a violation of these Rules and Regulations. Each User whose operations or Discharge is violative of these Rules and Regulations or Legal Requirements shall be jointly and severally liable for damages to the POTW, damages for injury to property and/or persons resulting from that operation or Discharge, as well as incidental, consequential, and/or special damages arising therefrom, whether foreseeable. Damages shall, by way of illustration but not limitation, costs incurred by the Authority for harm to property or person, reasonable counsel fees (as established by resolution of the Authority's Board), filing fees, the costs of experts, exhibit preparation, reproduction costs, arbitration awards, settlement awards, awards by court or jury, and/or costs of remediation or rehabilitation. Additionally, a User whose violative Discharge, in whole or in part, causes a violation of the Authority's Legal Requirements, including its Commonwealth of Pennsylvania NPDES Permit or DRBC Docket, shall be responsible for all costs associated with required corrective measures, penalties, and fines incurred by the Authority. Nothing herein shall be interpreted to prevent the Authority from utilizing any available remedy at law or equity, including injunctive relief, in the enforcement of its Rules and Regulations, Legal Requirements, including its Commonwealth of Pennsylvania NPDES Permit or DRBC Docket or any federal standard or requirement imposed upon the Authority or Dischargers into the Authority's WWTP.



**1.8. Service of Notice.**

Notice shall be served to the last address on record with the Authority provided by the User. It shall be each User's obligation to provide an updated address to the Authority for the purpose of serving notices. A User may provide additional in-state addresses including a mailing address for which it would want copies of notices due hereunder to be sent. All notices may be either personally served, evidenced by a certificate of service, or by ordinary U.S. First Class Mail and by certified mail, return receipt requested, postage prepaid. All certified mail which is returned as unclaimed or undeliverable shall be deemed served if the First Class Mail is not returned. If the First Class Mail is returned for insufficient address, then service may be provided by e-mail, facsimile transmission, and/or posting the premises on which a sewage connection is made. Service made by certified mail and U. S. First Class Mail, postage prepaid, shall be deemed made within two (2) business days of deposit. All other service shall be deemed made when initiated.

**1.9. Appeals/Show Cause Hearing.**

(a) **Permit Appeals.** A Commercial CS Customer, including all Wastewater Discharge Permittees, shall have the right to appeal the actions of the Authority in relation to a WDP as set forth in **Article IV, Section 1.13** within thirty (30) days of the occurrence of the action being appealed. All appeals shall be conducted as set forth in **Subsections (b)-(i)** (Show Cause Hearing) below. A fee for appeals shall be established by resolution of the Authority Board.

(b) **Show Cause Hearing.** The Authority Board, or its designee, may order any User who appeals an action as set forth in **Article IV, Section 1.13** or is subject to an enforcement action to show cause before the Authority Board why the proposed 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 Board regarding, as applicable, the violation, the proposed action, the reasons why the action is to be taken, and directing the User to show cause before the Authority Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) or by U.S. First Class Mail, postage prepaid, at least ten (10) days before the hearing. Service may be made on any Authorized Representative, at the mailing address designated pursuant to **Article VI, Section 1.8**, or at the place of business where the Discharge has occurred.

(c) The Authority Board may itself conduct the hearing and take the evidence or may designate any of its members or any officer or employee to:

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

(d) At any hearing held pursuant to these Rules and Regulations, testimony taken must be under oath and may be recorded stenographically. The transcript, if recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

(e) A show cause hearing shall be conducted in accordance with the Local Agency Law, 2 Pa. C.S. §§ 551, *et seq.* A User may, but is not required, to be represented by legal counsel during a show cause hearing. A User shall be solely liable for the costs of its counsel and hearing expenses.

(f) Within forty-five (45) days after the conclusion of a show cause hearing, the Authority Board (or adjudicative body) shall issue a written opinion and order regarding the action which it believes is appropriate. The Authority may then proceed to undertake the recommended action, unless an appeal is taken.

(g) Rules of Evidence shall be liberally construed.

(h) After the Authority Board has reviewed the evidence, it may issue an order to the User, directing that, following a specified time period, the Sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed or existing treatment facilities, devices, or other related appurtenances are properly operated. Further orders and directives as are necessary and appropriate may be issued.

(i) Dischargers who do not agree with the decision and action of the Authority Board may appeal the Authority Board's decision. All appeals must be filed with the Court of Common Pleas of Monroe County, Pennsylvania, within thirty (30) days of issuance of the decision and action of the Authority Board.

(j) If any Person Discharges Sewage, Non-Residential Wastewater or other Wastes into the POTW contrary to the provisions of these Rules and Regulations, federal or state Pretreatment Requirements, or any permit issued by the Authority, the Municipal Solicitor may commence an action for appropriate legal and/or equitable relief in the courts. When the Authority determines, when applicable, the need for legal action by a CSO and/or Wastewater

Municipality, said action shall be undertaken by the CSO and/or Wastewater Municipality pursuant to Legal Requirements.

(k) Additionally, the Authority has enforcement rights granted to it under the STAs and the Intergovernmental Agreements including the Cooperation Agreement and the Pocono Township/Tobyhanna Township Sewage Services and Collection Agreement for the purpose of enforcing both these Rules and Regulations and the Authority's Industrial Pretreatment Program. Each CSO and Wastewater Municipality has appointed the Authority as its agent and authorizes the Authority, or its duly appointed agents and employees, to undertake any legal action in the name of the CSO and Wastewater Municipality including, but not limited to, the filing of a civil at law or equity complaint in the Court of Common Pleas of Monroe County, Pennsylvania. In any case when the Authority acts in the name of a CSO and/or Wastewater Municipality, these entities shall cooperate with and support the Authority in the prosecution of any civil action as may be necessary.

**ARTICLE 14 SECTION 2: PENALTIES; COSTS.**  
**ARTICLE 15 2.1. CIVIL PENALTIES.**

(a) Nothing in these Rules and Regulations may be construed to limit or relieve any User from civil and/or criminal penalties for noncompliance with these Rules and Regulations under any other applicable federal, state, and/or local laws, statutes, or ordinances.

(b) A User who has violated, or continues to violate, any provision of the Authority's Wastewater Rules and Regulations, a WDP or administrative order issued by the Authority, Discharge Prohibition, or other Pretreatment Standard or Requirement, will be liable to the Authority for a maximum civil penalty of Six Hundred (\$600.00) Dollars per violation, per

day. If a monthly or other long-term average Discharge limit is in effect, penalties will accrue for each day during the period of the violation.

(c) In addition to all Damages as set forth in **Article VI, Section 1.7** incurred by the Authority, the Authority may recover attorneys' fees, as established by resolution of the Authority Board, court costs, and all other expenses associated with a violation including, but not limited to, sampling and monitoring expenses, and the cost of any actual costs and damages incurred by the Authority. Nothing herein shall limit the liability of a User for damages caused to the CSO by the User's improper Discharge or by way of violation of the CSO's Rules and Regulations. Damages to a CSO are separate and distinct from damages incurred by the Authority under the WDP.

(d) In determining the amount of civil liability, a hearing body will take into account all relevant circumstances, including the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

(e) Filing a suit for civil penalties will not be a bar against, or a prerequisite for, taking any other action against a User including, but not limited to, actions in equity such as injunctive relief or criminal actions.

## **2.2. Criminal Penalties.**

(a) A Commercial CS Customer, including a Wastewater Discharge Permittee, who violates any provision of the Authority's Wastewater Rules and Regulations and the applicable CSO's municipal ordinance authorizing same, a WDP, any Discharge Prohibition, or other Pretreatment Standard or Requirement will, upon conviction, be guilty of a summary

offense, punishable by a fine of not more than One Thousand (\$1,000.00) Dollars per violation, per day, or imprisonment for not more than thirty (30) days, or both.

(b) A User who introduces any substance into the POTW that causes personal injury or property damage will, upon conviction, be guilty of a summary offense and be subject to a penalty of at least One Thousand (\$1,000.00) Dollars, or be subject to imprisonment for not more than thirty (30) days, or both. This penalty will be in addition to any other cause of action for personal injury or property damage available under state law.

(c) A Commercial CS Customer who knowingly makes any false statement, representations, or certifications in any survey application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to resolution, permit, order, or who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required by the permit, will, upon conviction, be guilty of a misdemeanor of the second degree pursuant to 18 Pa. C.S. §§ 4903, 4904, and punished by a fine of not less than One Thousand (\$1,000.00) Dollars per violation, per day, or imprisonment for not more than two (2) years, or both.

**ARTICLE 16 SECTION 3: SEVERABILITY.**

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

**ARTICLE 17 SECTION 4: CONFLICT.**

All other Rules and Regulations of the Authority, in whole or in part, which are inconsistent or conflicting with any part of these Rules and Regulations, are hereby repealed to

the extent of such inconsistency or conflict. Should any provision of these Rules and Regulations conflict or be inconsistent with the provisions of the Cooperation Agreement or the applicable Sewage Treatment Agreement, the provisions of the Cooperation Agreement or Sewage Treatment Agreement shall control to the extent of such conflict or inconsistency.

**ARTICLE 18 SECTION 5: EFFECTIVE DATE.**

These Rules and Regulations shall be in full force and effect upon approval by the Authority Board.