

RESOLUTION NO. 48-99

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A RESOLUTION OF THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY, COUNTY OF ALLEGHENY, COMMONWEALTH OF PENNSYLVANIA, ADOPTING A PROGRAM TO REGULATE THE DISCHARGE OF CERTAIN MATERIALS INTO THE WASTE WATERS AND INTO THE WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY'S PUBLICLY OWNED TREATMENT WORKS.

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WHEREAS, the West Muffin Sanitary Sewer Municipal Authority (WMSSMA) must adopt uniform requirements for direct and indirect contributors into the publicly owned treatment work (POTW) for the WMSSMA which requirements will comply with applicable state and federal laws including the Clean Water Act 33 U.S.C. §1251 et seq. and the general pre-treatment regulations promulgated thereunder 40 C.F.R. §403 et seq.;

WHEREAS, the intent of the Resolution is to achieve said compliance and to codify various provisions of Ordinances of the Borough of West Muffin former owner of the POTW including but not limited to Ordinance No. 905 and Ordinance No. 1006;

NOW, THEREFORE, BE IT RESOLVED AND IT IS HEREBY RESOLVED as follows:

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Section 1. Purpose and Policy.

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This section sets forth uniform requirements for direct and indirect contributors into the POTW for the WMSSMA and enables the WMSSMA to comply with applicable state and federal laws, including the Clean Water Act (33 United States Code 1251 et eq.) and the General Pretreatment Regulations (40 CFR Part 403).

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This section provides for the regulation of direct and indirect contributors to the POTW through the: (1) issuance of permits to certain non-domestic users, (2) through enforcement of general requirements for the other users, (3) authorized monitoring and enforcement activities. (4) required user reporting, (5) existing customers' capacity being preempted, and (6) providing for the setting of fees for the equitable distribution of costs resulting from the program established herein.

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This section shall apply to all users of the municipal wastewater system. Except as provided herein, the WMSSMA shall administer, implement, and enforce the provisions of this section. Any powers granted to or imposed upon the WMSSMA may be delegated by them, to other municipal personnel. By discharging wastewater into the POTW, industrial and commercial users located outside the WMSSMA limits agree to comply with the terms and conditions established in the ordinance, as well as any permits, enforcement actions, or orders issued hereunder.

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The objectives of this section are:

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- (a) To prevent the introduction of pollutants into the POTW, which will interfere with the operation of the POTW or contaminate the resulting sludge.

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- (b) To prevent the introduction of pollutants into the POTW, which will pass through the POTW, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the POTW.

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- (c) To promote reuse and recycling of industrial and commercial wastewater and sludges from the POTW.

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- (d) To provide for equitable distribution of the cost of the POTW.

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- (e) To protect both municipal personnel who may be affected by sewage, sludge, and effluent in the course of their employment as well as protecting the general public.

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- (f) To ensure that the WMSSMA complies with its non-discharge permit conditions, sludge use and disposal requirements, and any other federal and state laws to which the POTW is subject.

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Section 2. Definitions and Abbreviations.

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Unless the context specifically indicates otherwise the following terms, as used in this section, shall have the meanings hereinafter designated:

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

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Ammonia nitrogen means the total amount of nitrogen in the form of ammonia or ammonia usually expressed as a concentration (e.g. mg/l).

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Approval authority means the Director of the Department of Environmental Protection or his designee.

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Authorized representative of industrial user means:

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<![if !supportLists]>(a) <![endif]>If the industrial user is a corporation, authorized representative shall mean:

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1. The president, secretary or a 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

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2. The manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having a gross annual sales or expenditures exceeding twenty-five million dollars (\$25,000,000.00) (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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- (b) If the industrial or commercial user is a partnership or sole proprietorship, an

authorized representative shall mean a general partner or the proprietor, respectively.

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(c) If the industrial or commercial user is a federal, state or local government facility, an authorized representative shall mean a director, commissioner, WMSSMA or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

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(d) The individuals described in paragraphs (1)-(3) above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the WMSSMA.

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Biochemical oxygen demand (B.O.D) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty (20) degrees centigrade, usually expressed as a concentration (e.g. mg/l).

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Building sewer means a sewer conveying wastewater from the premises of a user of the WMSSMA's.

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Bypass means the intentional diversion of wastestreams from any portion of a user's treatment facility.

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Categorical standards means national categorical pretreatment standards or pretreatment standards.

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Chemical oxygen demand(C.O.D.) means the quantity of oxygen used in the chemical oxidation or decomposition of organic substances in a sample usually expressed as a concentration (e.g. mg/l).

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Color means the "true color" due to the substances in solution expressed in wavelengths of light.

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Compatible pollutant means BOD, suspended solids, pH and fecal coliform bacteria, and such additional pollutants as are now or shall be in the future specified and controlled in the WMSSMA's NPDES permit for its POTW where said POTW has been designed and used to reduce or remove such pollutants.

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Director means the director of public works of this WMSSMA or his duly appointed deputies, agents, or representatives.

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Domestic wastes means liquid wastes (i) from the noncommercial preparation, cooking and handling of food or (ii) containing human excrement and similar matter from the sanitary convenience or dwellings, commercial buildings, industrial facilities, and institutions.

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Environmental protection agency or EPA means the U.S. Environmental Protection Agency, or where appropriate the term shall also be used as a designation for the administrator or other duly authorized official of said agency.

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Garbage means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage or sale of food.

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Grab sample means a sample, which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.

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Holding tank waste means any waste from holding tanks, including but not limited to such holding tanks as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum pump tank trucks.

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Incompatible pollutant means any pollutant, which is not a “compatible pollutant” as defined in this section.

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Indirect discharge or discharge means the discharge or the introduction from any non-domestic source regulated under Section 307 (b), (c), or (d) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharged into the POTW).

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Industrial user or user means any person which is a source of indirect discharge.

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Industrial waste or industrial wastewater means the liquid wastes resulting from the processes employed in industrial, manufacturing, trade, or business establishments as distinct from domestic wastes.

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Interference means the inhibition or disruption of the POTW treatment processes, operations, or its sludge process, use, or disposal, which causes or contributes to a violation of any requirement of the POTW’s non-discharge permit or prevents sewage sludge use or disposal in compliance with specified applicable state and federal statutes, regulations, or permits. The term includes prevention of sewage sludge use or disposal by the POTW in accordance with section 405 of the Act, (33 U.S.C. 1345) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA) (42 U.S.C. 6901, et. seq.), the Clean Air Act, the Toxic Substance Control Act, the Marine Protection Research and Sanctuary Act (MPRSA) or more stringent state criteria (including those contained in any state sludge management plan prepared pursuant to Title LV of SWDA) applicable to the method of disposal or use employed by the WMSSMA.

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Medical wastes means isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

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National categorical pretreatment standard or categorical standard means any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (C) of the Act (33 U.S.C 131) which applies to a specific category of industrial users, and which appears in 40 CFR Chapter 1, Subchapter N, Parts 405 471.

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National Pollutant Discharge Elimination System (NPDES) means the program for issuing, conditioning and denying permits for the discharge of pollutants from the point source into navigable waters, the contiguous zone and oceans pursuant to Section 402 of the Act

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National Pollutant Discharge Elimination System or NPDES permit means a permit issued pursuant to section 402 of the Act (33 U.S.C. 1342) or pursuant to.

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National prohibitive discharge standard or prohibitive discharge standard means absolute prohibitions against the discharge of certain substances; these prohibitions appear in section 3 of this division and are developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.

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New source means:

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(a) Any building, structure, facility, or installation from which there may be a discharge of pollutants, the construction of which commenced after the publication of proposed categorical pretreatment standards under Section 307(c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with Section 307(c), provided that:

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1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

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2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or

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3. The production or wastewater generating processes of the building structure, facility, or installation is substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

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

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(c) For purposes of this definition, construction of a new source has commenced if the owner or operator has:

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1. Begun or caused to begin, as part of a continuous on-site construction program:

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i. Any placement, assembly, or installation of facilities or equipment; or

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ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or

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2. Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and

contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.

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Noncontact cooling water means water used for cooling which does not come in direct contact with any raw material, intermediate product, waste product, or finished product.

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Non-discharge permit means a disposal system permit issued by the state pursuant to PA. Code.

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Pass through means a discharge, which exits the POTW into, waters of the state in quantities or concentrations which, alone or with discharges from other sources, causes a violation. Including an increase in the magnitude or duration of a violation, of the POTW's non-discharge permit, or a downstream water quality standard.

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Person means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trusts, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. This definition includes all federal, state, and local government entities.

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pH means a measure of the acidity or alkalinity of a substance expressed as standard units. In addition, calculated as the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

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Pollution means the man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

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Pollutant means any "waste" as defined in PA. code and dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage Sludge, munitions, medical wastes, chemical wastes biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand cellar dirt and industrial, municipal and agricultural waste and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

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P0714/treatment plant means the portion of the P01W designed to provide treatment to wastewater.

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Pretreatment or treatment means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. The reduction or alteration can be obtained by physical, chemical, or biological processes, or process changes or other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

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Pretreatment program means the program for the control of pollutants introduced into the P01W from non-domestic sources which was developed by the WMSSMA in compliance with 40 CFR 403.8 and approved by the approval authority as authorized by PA. Code in accordance with 40 CFR 403.11.

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Pretreatment requirements means any substantive or procedural requirement related

to pretreatment, other than a pretreatment standard.

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Pretreatment standards means prohibited discharge standards, categorical standards and local limits.

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Publicly owned treatment works (POT) or municipal waste water system means a treatment works as defined by Section 212 of the Act, (33 U.S.C. 1292) which is owned in this instance by the WMSSMA. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to the POTW treatment plant. For the purposes of this division, "POTW" shall also include any sewers that convey wastewater's to the POTW from persons outside the WMSSMA who are, by contract or agreement with the WMSSMA, or in any other way, users of the WMSSMA's POTW.

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Receiving stream means the body of water, stream or watercourse receiving the discharge waters from the POTW or formed by the waters discharged by the plant.

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Sanitary sewer means a sewer intended to receive domestic sewage and industrial waste, except that of the type expressly prohibited by this regulation, without the admixture of surface water and storm water.

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Severe property damage means substantial physical damage to property, damage to the user's treatment facilities which cause them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

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Significant industrial user means any industrial user of the wastewater disposal system who:

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(a) Has an average daily process wastewater flow of 5,000 GPD or more of process wastewater; or

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(b) Contributes more than five (5) percent of any design or treatment capacity (i.e., allowable pollutant load) of the wastewater treatment plant receiving the indirect discharge; or

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(c) Is required to meet a national categorical pretreatment standard; or

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(d) Is found by the WMSSMA, PA or the U.S. Environmental Protection Agency (EPA) to have the potential for impact, either singularly or in combination with other contributing industrial users, on the wastewater treatment system the quality of sludge, the system's effluent quality, or compliance with any pretreatment standards or requirements.

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Significant noncompliance (SNC) or reportable noncompliance (RNC) means a status of noncompliance defined as follows:

(a) Violations of wastewater discharge limits.

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1. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of the measurements taken during a six (6) month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

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2. Technical review criteria (TRC) violations defined here as those which thirty-three percent (33%) or more of the measurements for each pollutant parameter taken during a six (6) month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, Fats, Oil and Grease and 1.2 for all other pollutants except pH);

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3. Any other violations of the effluent limit (average or daily maximum) that the control authority believes has caused, alone or in combination with other discharges, interference or pass-through; or endangered the health of the sewage treatment plant personnel or the public.

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4. Any discharge of a pollutant that has caused imminent endangerment to human health/welfare or to the environment and has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge.

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(b) Violations of compliance schedule milestones, contained in a pretreatment permit or enforcement order, for starting construction, completing construction, and attaining final compliance by ninety (90) days or more after the schedule date.

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(c) Failure to provide reports for compliance schedule, self-monitoring data, baseline monitoring reports, ninety-day compliance reports, and periodic compliance reports within thirty (30) days from the due date.

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(d) Failure to accurately report noncompliance.

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(e) Any other violation or group of violations that the control authority considers to be significant.

Slug Load means any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in section 3 of this section;

Standard industrial classification (SIC) means a classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office Management and Budget 1987 and as may be amended or supplemented.

State means the State of Pennsylvania.

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Storm sewer or storm drain means a sewer, which carries storm or surface water and drainage, but excludes sewage and industrial wastes.

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Storm water means any flow occurring during or immediately following any form of natural precipitation and resulting there from.

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WMSSMA means the person designated by the WMSSMA to supervise the operation of

the POTW and who is charged with certain duties and responsibilities by this section, or his duly authorized representative.

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Surcharge means a charge to a user of the POTW based on the pounds of a particular constituent in wastewater, in excess of a specified level of concentration. It is levied in addition to a regular sewer service charge.

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Surcharging of sanitary sewer means the sewer is receiving more wastewater than its flowing full hydraulic capacity and that the amount of wastewater entering the sewer greater than its flowing full hydraulic capacity results in manhole water levels above the elevation of the top of the sewer pipe.

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Suspended solids means 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.

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Total Kjeldahl nitrogen (TKN) means the total amount of nitrogen in the tri-negative states, including ammonia, ammonium and organically bound nitrogen as measured by standard laboratory procedures and usually expressed as a concentration (e.g. mg/l).

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Unpolluted water means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will in no way cause any violation of receiving water quality standards.

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Upset means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

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User classification means a classification of user based on the 1987 (or subsequent) edition of the "Standard Industrial Classification (SIC) Manual" prepared by the Office of Management and Budget.

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Waste water means the liquid and water borne industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, mobile sources, treatment facilities, and institutions or other sources, together with any ground water, surface water and stormwater that may be present, whether treated or untreated, which are discharged into or permitted to enter the WMSSMA's treatment works.

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Waste water permit means as set forth in section 5 of this section.

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

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WMSSMA means the West Mifflin Sanitary Sewer Municipal Authority's Director of

Public Works or his/her designee.

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Terms not otherwise defined herein shall be as adopted in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by American Public Health Association, the American Water Works Association and the Water Environment Federation. This section is gender neutral and the masculine gender shall include the feminine and vice-versa. Shall is mandatory may is permissive or discretionary. The use of the singular shall be construed to include the plural and the plural shall include the singular as indicated by the context of its use.

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Abbreviations. The following abbreviations when used in this section, shall have the designated meanings:

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- (a) BOD-biochemical oxygen demand
- (b) CFR-Code of Federal Regulations
- (c) COD-chemical oxygen demand
- (d) EPA-environmental protection agency
- (e) GPD-gallons per day
- (f) l- liter
- (g) mg-milligram
- (h) mg/l-milligram per liter
- (i) NH₃- ammonia
- (j) N-nitrogen.
- (k) NPDES-National Pollutant Discharge Elimination System.
- (l) O&M-Operations and maintenance.
- (m) RCRA. Resource Conservation and Recovery Act.
- (n) SIC-Standard Industrial Classification.
- (o) SWDA-Solid Waste Disposal Act, 42 U.S.C. 6901 ET seq.
- (p) U.S.C.-United States Code.
- (q) TKN-total Kjeldahl N nitrogen.
- (r) TSS-total suspended solids.
- (s) P01W-publicly owned treatment works or municipal wastewater system.
- (t) PA. - Pennsylvania General Statutes

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Section 3. Prohibitions and Limitations on Wastewater Discharges.

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(A) General prohibitions.

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No user shall contribute or cause to be contributed into the POTW, directly or indirectly, any pollutant or wastewater which causes interference or pass through. These general prohibitions apply to all users of a POTW whether or not the user is a significant industrial user or subject to any national, state, or local pretreatment standards or requirements.

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(B) Specific prohibitions.

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No user shall contribute or cause to be contributed into the POTW the following pollutants, substances, or wastewater:

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(1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, wastestreams with a closed cup flash point of less than one hundred forty (140) degrees Fahrenheit (sixty (60) degrees centigrade) using the test methods specified in 40 CFR 261.21.

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(2) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than one-half (1/2) inch in any dimension.

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(3) Petroleum oil, non-biodegradable cutting oil, or products of mineral origin, in amounts that will cause interference or pass through. Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l.

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(4) Any wastewater having a pH less than 5.0 or more than 11.0 or wastewater having any other corrosive property capable of causing damage to the POTW or equipment.

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(5) Any wastewater containing pollutants, including oxygen-demanding pollutants, (BOD, etc.) in sufficient quantity, (flow or concentration) either singly or by interaction with other pollutants, to cause interference with the POTW.

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(6) Any wastewater having a temperature greater than one hundred fifty (150) degrees Fahrenheit (sixty-six (66) degrees centigrade), or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed one-hundred-four (104) degrees Fahrenheit (forty (40) degrees centigrade).

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(7) Any pollutants which result in the presence of toxic acute gases, vapors, or fumes within the system in a quantity that may cause acute worker health and safety problems.

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(8) Any trucked or hauled pollutants, except at discharge points designated by the

‘WMSSMA in accordance with section 5(j) of this section.

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(9) Noxious or malodorous solids, liquids, gases, of wastewater which, either singly or by interaction with other wastes, are capable of creating a public nuisance or health hazard, or shall prevent entry, into a sewer for its maintenance and repair.

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(10) Any pollutant released in an indirect discharge at a flow rate and/or pollutant concentration, which will cause interference with the POTW.

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(11) Any toxic substances in amounts exceeding standards promulgated by the Administrator of the U.S. Environmental Protection Agency or the WMSSMA pursuant to Section 307(a) of the Act, and chemical elements or compounds, phenols or other taste or odor producing substances, or any other substances which are not susceptible to treatment or which shall interfere with biological processes or efficiency of the treatment system, or that will pass through the system, or that exceed domestic concentrations used in the current head works calculations. These concentrations will be made available upon request from the WMSSMA.

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(12) Storm water, surface water, ground water, artesian well water, roof runoff subsurface drainage, swimming pool drainage, condensate, deionized water, non contact cooling water and unpolluted industrial wastewater, unless specifically authorized by the director of the WMSSMA.

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(13) Any wastewater which imparts color which cannot be removed by the treatment process, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts sufficient color to the treatment plant’s effluent to render the waters injurious to wildlife or to adversely effect the palpability of fish or aesthetic quality or impair the receiving waters for any designated uses.

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(14) Any water or waste containing chlorides in concentrations of more than two hundred (200) parts per million or milligrams per liter by weight; provided that up to five hundred (500) parts per million or milligrams per liter by weight may be discharged by permit authorization subject to express provisions of section 5 herein.

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(15) Any wastewater containing any radioactive wastes or isotopes except as specifically approved by the WMSSMA in compliance with applicable state or federal regulations.

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(16) Any sludges, screenings or other residues from the pretreatment of industrial wastes.

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(17) Any medical wastes, except as specifically authorized by the WMSSMA in a wastewater discharge permit.

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(18) Any material containing ammonia, ammonia salts, or other chelating agents, which will produce metallic complexes that, interfere with the municipal wastewater system.

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(19) Wastewater causing, alone or in conjunction with other sources, the treatment plant’s effluent to fail a toxicity test

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(20) At no time shall two (2) successive readings on an explosion hazard meter, at the point

of discharge into the system (or at any point in the system) be more than five (5) percent nor any single reading over ten (10) percent of the lower explosive limit (LEL) of the meter.

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(21) Any other discharge or deposit not otherwise listed above which violates the Act, 40 CFR Section 403.5, any regulations promulgated pursuant to the Act, any amendments thereto, or which shall cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case, shall a substance discharge to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines, or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, or state criteria applicable to the sludge management method being used.

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(C) Other prohibited discharges shall also include:

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(1) Any material identified as hazardous waste according to 40 CFR Part 261 except as may be specifically authorized by the director of the WMSSMA.

(2) Any wastewater containing the treatment plant effluent to violate State Water Quality Standards for toxic substances as described in WMSSMA's PA.

(3) Any wastes containing detergents, surface active agents, or other substances which may cause excessive foaming in the municipal wastewater system.

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(D) Pollutants, substances, wastewater, or other wastes prohibited by this Section shall not be processed or stored in such a manner that they could be discharged to the municipal wastewater system. All floor drains located in process or materials storage areas must discharge to the industrial user's pretreatment facility before connecting with the system.

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(E) When the WMSSMA determines that a user(s) is contributing to the POTW, any of the above-enumerated substances in such amounts, which may cause or contribute to interference of POTW operation or pass through, the WMSSMA shall:

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(1) Advise the user(s) of the potential impact of the contribution on the POTW in accordance with this section; and

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(2) Take appropriate actions in accordance with sections 6 and 7 for such user to protect the POTW from interference or pass through.

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(F) Limitations on wastewater discharges.

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(1) To implement the general and specific discharge prohibitions listed in this section, industrial user-specific local limits will be developed ensuring that the POTW's maximum allowable head works loading is not exceeded for particular pollutants of concern for each industrial user.

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(2) Where specific local limits are not contained for a given parameter or pollutant in an industrial user permit, the following limits will apply to all users:

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250 mg/l BOD

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250 mg/l TSS
400 mg/l COD
40 mg/l TKN or ammonia
0.000215 mg/l arsenic
0.004 mg/l cadmium
0.037 mg/l copper
0.005 mg/l cyanide
0.031 mg/l lead
0.00052 mg/l mercury
0.189 mg/l nickel
0.01 mg/l silver
0.006 mg/l total chromium
0.119 mg/l zinc

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(3) Industrial user-specific local limits for appropriate pollutants of concern shall be included in wastewater permits and are considered pretreatment standards. The WMSSMA may impose mass limits in addition to, or in place of; the concentration based limits above.

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(4) No person shall discharge or convey, or permit or allow to be discharged or conveyed, in the P01W wastewater containing pollutants of such character or quantity that will:

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a. Not be susceptible to treatment or interfere with the process or efficiency of the POTW;

<![if !supportLists]>b. <![endif]>Constitute a hazard to human or animal life, or to the stream or watercourse receiving the POTW;

<![if !supportLists]>c. <![endif]>Violate pretreatment standards; or

<![if !supportLists]>d. <![endif]>Cause the POTW to violate its permit to applicable receiving water standards.

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(G) National categorical pretreatment standards.

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(1) Upon the promulgation of the federal categorical pretreatment standards for a particular industrial subcategory, the federal standard, if more stringent than limitations imposed under this section for sources in that subcategory shall immediately supersede the limitations imposed under this section. Users subject to categorical pretreatment standards are required to comply with applicable standards as set out in 40 CFR Chapter 1, Subchapter N, Parts 405-471 and incorporated herein.

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(2) Where a categorical pretreatment standard is expressed only in terms of either

mass or the concentration of a pollutant in wastewater the WMSSMA may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

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(3) When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standards, the WMSSMA shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

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(4) A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.

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(5) A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

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(H) Modification of federal categorical pretreatment standards.

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Where the WMSSMA achieves consistent removal of pollutants limited by federal pretreatment standards, the WMSSMA may apply to the approval authority for modification of specific limits in the federal pretreatment standards. Consistent removal shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW to a less toxic or harmful state in the effluent which is achieved by the system in ninety-five (95) percent of the samples taken when measured according to the procedures set forth in Section 403.7(c)(2) of Title 40 of the Code of Federal Regulations, Part 403 "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The WMSSMA shall then modify pollutant discharge limits in the federal pretreatment standards if the requirements contained in 40 CFR Part 403, Section 403.7 are fulfilled and prior to approval from the approval authority is obtained.

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(I) State requirements.

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State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations of those in this section.

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(J) WMSSMA's right of revision.

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The WMSSMA reserves the right to establish by regulation more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in this section or the general and specific prohibitions in section 5 of this section, as is allowed by 40 CFR 403.4.

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(K) Dilution prohibition.

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No user shall ever increase the use of process water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the national categorical pretreatment standards, unless expressly authorized by an applicable pretreatment standard, or in any other pollutant specific limitation developed by the WMSSMA or state.

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(L) Variances and special agreements.

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A wastewater discharge permit as set forth under section 5 shall provide variances to the specific limits set forth under section 5. Nothing in this section shall be construed to prevent any special agreement or arrangement between the WMSSMA and any user of the POTW whereby wastewater of unusual strength or character is accepted into the system and specially treated subject to any payments or user charges as may be applicable.

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(M) Hauled wastewater.

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(1) Septic tank waste may be introduced into the POTW only at locations designated by the WMSSMA, and at such times as are established by the WMSSMA. Such waste shall not violate section 5 of this section or any other requirements established by the WMSSMA. The WMSSMA may require septic tank waste haulers to obtain wastewater discharge permits.

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(2) The WMSSMA shall require haulers of industrial waste to obtain discharge permits. The WMSSMA may require generators of hauled industrial waste to obtain wastewater discharge permits. The WMSSMA also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of this section.

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(3) Industrial waste haulers may discharge loads only at locations designated by the WMSSMA. No load may be discharged without prior consent of the WMSSMA may collect samples of each hauled load to ensure compliance with applicable standards. The WMSSMA may require the industrial user to provide a waste analysis of any load prior to discharge.

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(4) Industrial waste haulers must provide a waste tracking form for every load. This form shall include, at a minimum, the name and address of the industrial waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the type of industry, known or suspected waste constituents, and whether any wastes are RCRA hazardous wastes.

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Section 4. Control of Prohibited Wastes.

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(A) Regulatory actions.

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If wastewaters as described in section 5 of this section are discharged or proposed to be discharged into the POTW of the WMSSMA or any POTW tributary thereto, the WMSSMA and WMSSMA's attorney shall take any action necessary to:

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(1) Prohibit the discharge of such wastewater.

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(2) Require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this section.

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(3) Require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substance so that the discharge will not violate these rules and regulations (in accordance with federal regulations 40 CFR Part 403 of the Act).

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(4) Require the person taking, causing or allowing the discharge to pay additional cost or expense incurred by the WMSSMA for handling and treating excess loads imposed on the POTW; and

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(5) Take such other remedial action as shall be deemed to be desirable or necessary to achieve the purpose of this section.

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(B) Pretreatment.

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Users shall provide wastewater treatment as necessary to comply with this section and wastewater permits issued under section 5 of this section and shall achieve compliance with all national categorical pretreatment standards, local limits, and the prohibitions set out in section 5 of this section within the time limitations as specified by the EPA, the state, or the WMSSMA, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's expense detailed plans, prepared by a licensed professional engineer showing the pretreatment facilities all operations procedures shall be submitted to the WMSSMA for review, and shall be approved by the WMSSMA before construction of the facility. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the WMSSMA under the provisions of this section. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be approved by the WMSSMA prior to the user's initiation of the changes.

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At least annually, the WMSSMA shall publish in the largest daily newspaper circulated in the service area, a list of those industrial users which were found to be in significant noncompliance, also referred to as reportable noncompliance in Pennsylvania PA., with applicable pretreatment standards and requirements during the previous twelve (12) months.

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All records relating to compliance with pretreatment standards shall be made available to officials of the EPA or approval authority upon request.

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(C) Submission of plans.

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Where pretreatment or equalization of wastewater flows prior to discharge into any part of the POTW is required, plans, specifications and other pertinent data or information relating to such pretreatment or flow-control facilities shall be first submitted to the WMSSMA for review and approval. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance rule, regulation or order of any governmental or flow-control facilities and shall not be made without due notice to and prior approval of the WMSSMA.

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(D) Pretreatment facilities operation.

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If pretreatment or control of waste flows is required, such facilities shall be maintained in good working order and operated as efficiently as possible by the owner or operator at his own cost and expense, subject to the requirements of these rules and regulations and all other applicable codes, ordinances, laws and regulations.

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(E) Inspection and sampling.

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The WMSSMA shall inspect the facilities of any user to ascertain whether the purpose of these regulations is being met and all requirements are being complied with. Persons, occupants, or premises where wastewater is created or discharged shall allow the WMSSMA, approval authority, and EPA or their representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination or in the performance of their duties. The WMSSMA, approval authority, and EPA, or their representative shall have the right to set up on the user's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the WMSSMA, approval authority and EPA will be permitted to enter without delay for the purposes of performing their specific responsibilities. Denial of the WMSSMA's approval authority's, or EPA's access to the user's premises shall be a violation of this section. Unreasonable delays may constitute denial of access. The WMSSMA shall enter upon the property at any time under emergency circumstances.

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(F) Search warrants.

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If the WMSSMA, approval authority or EPA has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of this section, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the WMSSMA designed to verify compliance with this section or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the WMSSMA, approval authority, or EPA may seek issuance of a search warrant from the appropriate court of law or other regulatory authority.

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(G) Accidental discharge/slug control plans.

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At least once every two (2) years, the WMSSMA shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The WMSSMA may require any user to develop, submit for approval, and implement such a plan. Alternatively, the WMSSMA may develop such a plan for any user. An accidental discharge/slug control plan shall address, at a minimum, the following:

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(1) Description of the discharge practices, including non routine batch discharges;

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(2) Description of stored chemicals;

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(3) Procedures for immediately notifying the WMSSMA of any accidental or slug

discharge, as required by section 4 of this section; and
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(4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling, and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

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(H) Measurement of flow.

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The volume of flow used in computing waste discharges shall be based upon the metered water consumption as shown in records of meter reading maintained by the WMSSMA's finance department. In the event that a person discharging wastes into the P01W produces evidence to the WMSSMA that more than ten (10) percent of the total annual volume of water used for all purposes does not reach the WMSSMA's sanitary sewer, the person discharging such waste shall install and maintain, at his own expense, a flow measuring device of the type approved by the WMSSMA for the purpose of determining the proper volume of flow to be charged.

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(I) Grease removal systems.

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Grease removal systems must be installed at all connections to the WMSSMA's facilities from users conducting food preparation or food processing operations including, but not limited to, restaurants, nursing homes, schools, hospitals, or other connections which discharge or have the potential to discharge quantities of grease to the WMSSMA's facilities in excess of allowable standards. Installation of a grease removal system shall be required when the WMSSMA determines that such discharge could result in obstruction to flow in the sewer or accumulations of grease that could result in obstruction to flow in the sewer. Grease removal systems must be installed according to the following specifications:

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(1) No wastewater, other than from kitchen fixtures or food processing equipment, shall discharge into the grease removal system unless approved by the WMSSMA in writing.

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(2) Any user required to install a grease removal system must install either (1) an outdoor passive in-ground grease interceptor, or (2) and automatic electrical/mechanical grease removal unit.

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(3) In-ground grease removal systems shall have a minimum depth of four feet and a minimum capacity of five hundred (500) gallons, and shall have sufficient capacity to provide at least twenty-four (24) hour detention period for the process flow. The minimum process flow shall be based on fifteen (15) gallons per seat or chair per day or based upon actual water usage for existing facilities.

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(4) A suitable sampling location shall be provided for sampling of the discharges from grease removal systems. Any plans for such grease removal systems as required in this section shall be submitted for WMSSMA review and approval prior to installation. The WMSSMA must be notified seventy-two (72) hours prior to installation of any

grease removal device in order to inspect and oversee the installation. All automatic electrical/mechanical grease removal systems must have a sampling valve installed on the discharge piping with a minimum clearance of eight (8) inches for the installation of sampling bottles.

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(5) The owner(s) shall be responsible for cleaning and maintaining the grease removal systems and shall maintain records of the dates of cleaning and means of disposal, subject to review by the WMSSMA. Any removal and hauling of the collected materials not performed by the owner(s) must be performed by licensed waste disposal firms.

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(6) All dishwasher wastewater from the pre-rinse station must discharge to the grease removal device. All other dishwasher wastewater must bypass the grease removal device and be discharged directly into the sewer system.

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(7) Garbage disposal units may only be installed in facilities with properly sized and operational in-ground passive type grease interceptors which have been properly designed for retention of settable solids. Garbage disposal units are prohibited in all other commercial or industrial facilities. Garbage disposal waste shall not be discharged into automatic electrical/mechanical type grease removal systems.

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(8) Grease and oil traps or other interceptors shall be provided at the user's expense, when such user operates an establishment preparing, processing, or serving food and/or food products. Grease interceptors can be required in other industrial or commercial establishments when they are necessary in the opinion of the WMSSMA for proper handling of liquid wastes containing oil and/or grease in amounts in excess of two hundred (200) mg/l by weight fat soluble, or for any flammable wastes all such traps, tanks, chambers or other interceptors shall be of a type and capacity approved by the WMSSMA or his designee and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of the waste content as required for their efficient operation, but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept oils and greases from the wastewater discharged to the publicly owned sanitary sewer. Failure to comply can result in the implementation of the enforcement procedures in section 7 of this section.

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(9) Wastes removed from grease interceptors shall not be discharged into the publicly owned sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

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(10) A facility must keep interceptor cleaning records on file a minimum of three (3) years. The following information must be maintained: receipt for job performed signed by contractor and cost, clean-out date, person responsible for cleaning, name of firm performing the clean out, disposal method for and destination of material removed.

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(J) Sand and grit removal.

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(1) Sand and grit traps or other interceptors shall be provided at the owner's expense when they are necessary for the proper handling and control of liquid wastes containing sand and grit in excessive amounts. All such interceptors shall be of a type and capacity approved by the

WMSSMA or his designee and shall be readily and easily accessible for cleaning and inspection. All such interceptors shall be serviced and emptied of their solids contents as required for their efficient operating but not less often than every thirty (30) days, in order to maintain their minimum design capability to intercept grit and sand prior to the discharge of wastewater to the public sanitary sewer. Failure to comply can result in the implementation of the enforcement procedures in section 6 of this section.

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(2) Wastes removed from sand and grit interceptors shall not be discharged into the publicly owned sanitary sewer. The owner shall be responsible for the sanitary disposal of such wastes.

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(3) A facility must keep interceptor cleaning records on file a minimum of three (3) years. The following information must be maintained: receipt for job performed signed by contractor and cost, clean out date, person responsible for cleaning, name of firm performing the clean out, disposal method for and destination of material removed.

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(K) Preliminary treatment devices.

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Where preliminary treatment, pretreatment, flow-equalizing facilities or grease, for grit and sand traps or other interceptors are provided for any wastewater they shall be continuously maintained in satisfactory condition and effective operation by the owner at his expense.

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(L) Additional pretreatment measures.

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Whenever deemed necessary, the WMSSMA may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's, compliance with the requirements of this section.

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Section 5. Wastewater Monitoring and Reporting.

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(A) Baseline monitoring reports.

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(1) Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the WMSSMA a report which contains the information listed in paragraph (2), below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the WMSSMA, a report which contains the information listed in paragraph (2), below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

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(2) Users described above shall submit the information set forth below.

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a. Identifying information.

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The name and address of the facility, including the name of the operator and owner.

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b. Environmental permits.

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A list of any environmental control permits held by or for the facility.

c. Description of operations.

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A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicate points of discharge to the POTW from the regulated processes.

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d. Flow measurement.

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Information showing the measured average daily and maximum daily flow in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e).

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e. Measurement of pollutants.

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1. The categorical pretreatment standards applicable to each regulated process.

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2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the WMSSMA, have regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in section 4(k) of this section.

3. Sampling must be performed in accordance with procedures set out in section 5(1) of this section.

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f. Certification.

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A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.

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g. Compliance schedule.

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If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the user will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment standard. A compliance schedule pursuant to this section must meet the requirements set out in section 5(b) of this section.

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h. Signature and certification.

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All baseline-monitoring reports must be signed and certified in accordance with section (C) of this section.

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(B) Compliance schedule progress report.

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The following conditions shall apply to the compliance schedule required by section 5(A)(2) g. of this section.

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(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, concerning and completing construction, and beginning and conducting routine operation);

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(2) No increment referred to above shall exceed nine (9) months;

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(3) The user shall submit a progress report to the WMSSMA no later than fourteen (14) days following each date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps taken by the user to return to the established schedule; and

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(4) In no event shall more than nine (9) month's elapse between such progress reports to the WMSSMA.

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(C) Reports on compliance with categorical pretreatment standard deadline.

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Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the WMSSMA a report containing the information described in Section (A)(2) d-f of this section. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with section (C) of this section.

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(D) Periodic compliance reports.

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(1) All significant industrial users shall, at a frequency determined by the WMSSMA, but in no case less than twice per year (in May and November), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with section 3(c) of this section.

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(2) All wastewater samples must be representative of the user's discharge.

Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a user to keep its monitoring facility in good working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.

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(3) If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the WMSSMA, using the procedures prescribed in section 5(k) of this section, the results of this monitoring shall be included in the report.

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(4) The WMSSMA shall impose mass limitations on users, which are using dilution to meet applicable pretreatment standards or requirements in the effluent of the user.

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(E) Monitoring facilities the WMSSMA requires the user to provide and operate at the user's own expense, monitoring facilities to allow inspection, sampling, and flow measurement of the building sewer and/or internal drainage systems. The monitoring facility should normally be situated on the user's premises, but the WMSSMA may, when such a location would be impractical or cause undue hardship on the user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.

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

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

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(F) Reports of changed conditions.

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Each user must notify the WMSSMA for any planned significant changes to the user's operations or system, which might alter the nature, quality, or volume of its wastewater at least ninety (90) days before the changes.

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(1) The WMSSMA may require the user to submit such information as may be

deemed necessary to evaluate the changed condition, including the submission of a wastewater discharge permit application under section 5 of this section.

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(2) The WMSSMA may issue a wastewater discharge permit under this under section 5 of this section or modify an existing wastewater discharge permit under this under section 5 of this section in response to changed conditions or anticipated changed conditions.

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(3) For purposes of these requirements, significant changes include, but are not limited to, flow increase of twenty (20) percent or greater, and the discharge of any previously unreported pollutants.

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(G) Reports of potential problems.

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(1) In the case of any discharge, including but not limited to, accidental discharges, discharges of a non-routine nature, episodic nature, a non-customary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone and notify the WMSSMA of the incident. This notification shall include the location of the discharge, concentration and volume, if known, and corrective actions taken by the user.

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(2) Within five (5) days following such discharge, the user shall, unless waived by the WMSSMA, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to person or property, nor shall such notification relieve the user of any fines, penalties, or other liability which may be imposed pursuant to this section.

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

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(H) Reports from unpermitted users.

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All users not required to obtain a wastewater discharge permit shall provide appropriate reports to the WMSSMA as the WMSSMA may require.

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(I) Notice of violation/repeat sampling and reporting.

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If sampling performed by a user indicates a violation, the user must notify the WMSSMA within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the WMSSMA within (30) days after becoming aware of the violation. The user is not required to resample if the WMSSMA monitors at the user's facility at once a month, or if the WMSSMA samples between the user's initial sampling and when the user receives the results of the sampling.

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(J) Notification of discharge of hazardous wastes.

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(1) Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA regional waste management section WMSSMA, the state hazardous waste authorities, in writing, of any discharge into the POTW of a substance which if otherwise disposed of would be hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of the discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such wastes per calendar month to the POTW, the notification shall contain the following information to the extent such information is known and readily available to the user: an identification of the hazardous constituents contained in the wastes, and the estimation of the mass and concentration of such constituents in the wastestream discharge during the following twelve (12) months. All notifications must take place not later than one-hundred-eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharge. However, such notifications of changed conditions must be submitted under section 4(f) of this section. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under self-monitoring requirements of section 4(a), (e), and (d) of this section.

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(2) Discharges are exempt from the requirements of paragraph (1) above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous waste, unless the waste are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous wastes do not require additional notification.

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(3) In the case of any new regulation under section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste. The user must notify the WMSSMA, the EPA regional waste management waste section WMSSMA, the state hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

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(4) In the case of any notification made under this section, the user shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

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(5) This provision does not create a right to discharge any substance otherwise permitted to be discharged by this section, a permit issued hereunder, or any applicable federal or state law.

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(K) Sample information.

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(1) Except as permitted in subsection (2), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the WMSSMA may authorize the use of time

proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

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(2) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

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(L) Timing.

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Written reports will be deemed to have been submitted on the date postmarked. For reports, which are not mailed, postage, prepaid, into a mail facility serviced by the United States Postal Service, the date of receipt of the report shall govern.

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(M) Record keeping.

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User subject to the reporting requirements of this section shall retain and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this section and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the WMSSMA, or where the user has been specifically notified of a longer retention period by the WMSSMA.

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Section 6. Wastewater Discharge Permit Application and Issuance.

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(A) Wastewater dischargers.

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It shall be unlawful for any person to connect or discharge to the POTW without first obtaining the permission of the WMSSMA. When requested by the WMSSMA, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The WMSSMA is authorized to prepare a form for this purpose and may periodically require users to update this information.

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(B) Wastewater permits.

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All significant industrial users shall obtain a significant industrial user permit prior to the commencement of discharge to the POTW. Existing industrial users who are determined by the WMSSMA to be significant industrial users shall obtain a significant industrial user permit within one hundred eighty (180) days of receiving notification of the WMSSMA determination. Industrial users who do not fit the significant industrial user criteria may at the discretion of the WMSSMA be required to obtain a wastewater discharge permit for non-significant industrial users.

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(1) Significant industrial user determination.

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All persons proposing to discharge non-domestic wastewater or proposing to change the volume or characteristics of an existing discharge of non-domestic wastewater shall request from the WMSSMA a significant industrial user determination. If the WMSSMA determines or suspects that the proposed discharge fits the significant industrial user criteria it will require that a significant industrial user permit application be filed.

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(2) Significant industrial user application.

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Users required to obtain a significant industrial user permit shall complete and file with the WMSSMA, an application in the form prescribed by the WMSSMA. Significant industrial users shall apply for a significant industrial user permit within ninety (90) days after notification of the WMSSMA's determination in section 5(b)(l) above. In support of the application, the user shall submit, in units and terms appropriate for evaluation, the following information:

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a. Name, address, and location (if different from the address);

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b. Standard Industrial Classification (SIC) codes for pretreatment, the industry as a whole, and any processes for which categorical pretreatment standards have been promulgated;

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c. Analytical data on wastewater constituents and characteristics including but not limited to those mentioned in section 3 of this section, any of the priority pollutants (Section 307(a) of the Act) which the applicant knows or suspects are present in the discharge as determined by a reliable analytical laboratory, and any other pollutant of concern to the; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;

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d. Time and duration of the indirect discharge;

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e. Average daily and thirty-minute peak wastewater flow rates, including daily, monthly, and seasonal variations if any:

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f. Site plans, floor plans, mechanical and plumbing plans and details to show all sewers, floor drains, sewer connections, direction of flow, and appurtenances by the size, location, and elevation;

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g. Description of activities, facilities and plant processes on the premises including all materials which are or could be accidentally or intentionally discharged;

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<![if !supportLists]>h. <![endif]>Where known, the nature and concentration of any pollutants in the discharge which are limited by any

municipal, state, or federal pretreatment standard, and a statement regarding whether or not the pretreatment standard are being met on a consistent basis and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the user to meet applicable pretreatment standards;

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- i. If additional pretreatment and/or O&M will be required to meet the pretreatment standards; the shortest schedule by which the user will provide such additional pretreatment. The completion date in this schedule shall not be longer than the compliance date established for the applicable pretreatment standard. The following conditions apply to this schedule:

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(1) The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards. No increment in the schedule shall exceed nine (9) months.

(2) No later than fourteen (14) days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the WMSSMA including, at a minimum, whether or not it complied with the increment of progress, the reason for any delay, and if appropriate, the steps being taken by the user to return to the established schedule. In no event shall more than nine (9) month's elapse between such progress reports to the WMSSMA.

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- j. Each product produced by type, amount, process or processes and rate of production;

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- k. Type and amount of raw materials processed (average and maximum per day);

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- l. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;

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- m. If subject to a categorical standard, a baseline monitoring report in accordance with 40 CFR 403.12(b) and Pennsylvania PA. CODE as outlined in section 4(a) of this section.

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

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(C) Application signatories and certification.

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All wastewater discharge permit applications and user reports must be signed by an authorized representative of the user and contain the following certification:

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“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 there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

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(D) Application review and evaluation.

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The WMSSMA will evaluate the data furnished by the user and may require additional information.

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(1) The WMSSMA is authorized to accept applications for the WMSSMA and shall refer all applications to the staff for review and evaluation.

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(2) Within thirty (30) days of receipt the WMSSMA shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicants with a statement of what additional information is required.

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(E) Tentative determination and draft permit.

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(1) They shall conduct a review of the application and an onsite inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

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(2) If the staff's tentative determination in subsection (1) above is to issue the permit, the following additional determinations shall be made in 'writing:

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a. Proposed discharge limitations for pollutants proposed to be limited;

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b. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

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c. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

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(3) The staff shall organize the determinations made pursuant to subsection (1) and (2) above and the WMSSMA's general permit conditions into a significant industrial user permit.

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(F) Permit synopsis.

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A fact sheet providing a brief synopsis of the application shall be prepared by the

WMSSMA staff for submission to the applicant and, the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

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- (1) A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the WMSSMA and all established compliance monitoring points.

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- (2) A quantitative description of the discharge described in the applicant, which includes at least the following:

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- a. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;

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- b. The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

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- c. The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

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(G) Final action on significant industrial user permit applications.

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- (1) The WMSSMA shall take final action on all applications no later than ninety (90) days following receipt of a complete application.

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- (2) The WMSSMA is authorized to:

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- a. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this section and Pa. CODE;

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- b. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

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- c. Modify any permit upon not less than sixty (60) days' notice and pursuant to section 5 of this section.

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- d. Revoke any permit pursuant to section 6 of this section;

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- e. Suspend a permit pursuant to section 6 of this section;

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- f. Deny a permit application when in the opinion of the WMSSMA such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary effectuate the purposes

of Pennsylvania's PA. CODE

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(H) Hearings.

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(1) Initial adjudicatory hearings. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 7, or one issued an administrative order under section 6 shall have the right to an adjudicatory hearing before a hearing officer designated by the WMSSMA upon making written demand, identifying the specific issues to be contested, to the WMSSMA within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified therein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty or order within forty-five (45) days of the receipt of the written demand for the hearing. The WMSSMA shall transmit a copy of the hearing officer's decision by registered or certified mail.

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a. New permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

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b. Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

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(2) Final appeal hearings.

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Any decision of a hearing officer made as a result of an adjudicatory hearing held under section 5(h)(1) above may be appealed, to the WMSSMA Commission upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with section 6(c)(2), (3), (4), (5) and (6) of the section. Failure to take written demand within the specified time herein shall bar further appeal. The WMSSMA Commission shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

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(3) Official record.

When a final decision is issued under section 5(h)(2) above, the WMSSMA Commission shall prepare an official record of the case that includes:

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a. All notices, motions, and other like pleadings;

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b. A copy of all documentary evidence introduced;

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c. A certified transcript of all testimony taken, if testimony is transcribed. If

testimony is taken and not transcribed, then a narrative summary of any testimony taken.

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d. A copy of the final decision of the WMSSMA Commission.

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(4) Judicial review. Any person against whom a final order or decision of the WMSSMA Commission is entered, pursuant to the hearing conducted under section 5(h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Circuit Court along with a copy to the WMSSMA. Within thirty (30) days after receipt of the copy of the petition for judicial review, the WMSSMA's Commission shall transmit to the reviewing court the original or a certified copy of the official record.

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(I) Permit modification.

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(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:

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a. Changes in the ownership of the discharge when no other change in the permit is indicated.

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b. A single modification of any compliance schedule not in excess of four (4) months.

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c. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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(2) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 5(b), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the applicable national categorical pretreatment standard.

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(3) A request for a modification by the permittee shall constitute a waiver of the notice required by Pennsylvania's PA. CODE for modifications.

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(J) Permit conditions.

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(1) The WMSSMA shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this section and Pennsylvania's PA.CODE Wastewater permits shall contain, but are not limited to, the following:

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a. A statement of duration (in no case more than five (5) years);
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b. A statement of non-transferability;
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c. Applicable effluent limits based on categorical standards or local limits or both;
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d. Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;
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e. Notification requirements for slug loads;
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f. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.
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(2) In addition, permits may contain, but are not limited to, the following:
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a. Limits on the average and/or maximum rate of discharge, and/or requirements for the flow regulation and equalization.
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b. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.
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c. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.
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d. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
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e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system
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f. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
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g. Requirements for the installation and maintenance of inspection and sampling facilities and equipment.
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h. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
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- i. Requirements for immediate reporting of any instance of noncompliance and automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).

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- j. Compliance schedules for meeting pretreatment standards and requirements.

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- k. Requirements for submission of periodic self-monitoring or special notification reports.

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- l. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 4 and affording the WMSSMA, or his representatives, access thereto.

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(D) Application review and evaluation.

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The WMSSMA will evaluate the data furnished by the user and may require additional information.

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- (1) The WMSSMA is authorized to accept applications for the WMSSMA and shall refer all applications to the staff for review and evaluation.

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- (2) Within thirty (30) days of receipt the WMSSMA shall acknowledge and accept the complete application; or if not complete, shall return the application to the applicants with a statement of what additional information is required.

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(E) Tentative determination and draft permit.

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- (1) They shall conduct a review of the application and an onsite inspection of the significant industrial user, including any pretreatment facilities, and shall prepare a written evaluation and tentative determination to issue or deny the significant industrial user permit.

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- (2) If the staff's tentative determination in subsection (1) above is to issue the permit, the following additional determinations shall be made in 'writing:

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- a. Proposed discharge limitations for pollutants proposed to be limited;

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- b. A proposed schedule of compliance, including interim dates and requirements, for meeting the proposed limitations; and

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- c. A brief description of any other proposed special conditions which will have significant impact upon the discharge described in the application.

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- (3) The staff shall organize the determinations made pursuant to subsection (1) and (2) above and the WMSSMA's general permit conditions into a significant industrial user permit.

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(F) Permit synopsis.

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A fact sheet providing a brief synopsis of the application shall be prepared by the WMSSMA staff for submission to the applicant and, the approval authority and shall be made available to the public upon request. The contents of such fact sheets shall include at least the following information:

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- (1) A sketch and detailed description of the industrial facilities and pretreatment facilities including the location of all points of discharge to the WMSSMA and all established compliance monitoring points.

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- (2) A quantitative description of the discharge described in the applicant, which includes at least the following:

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- a. The rate or frequency of the proposed discharge; if the discharge is continuous, the average daily flow;

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- b. The actual average daily discharge in pounds per day of any limited pollutant and any pollutant identified in the application as known or suspected present; and

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- c. The basis for the pretreatment limitations including the documentation of any calculations in applying categorical pretreatment standards.

(G) Final action on significant industrial user permit applications.

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- (1) The WMSSMA shall take final action on all applications no later than ninety (90) days following receipt of a complete application.

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- (2) The WMSSMA is authorized to:

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- a. Issue a significant industrial user permit containing such conditions as are necessary to effectuate the purposes of this section and Pa. CODE;

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- b. Issue a significant industrial user permit containing time schedules for achieving compliance with applicable pretreatment standards and requirements;

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- c. Modify any permit upon not less than sixty (60) days' notice and pursuant to section 5 of this section.

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- d. Revoke any permit pursuant to section 6 of this section;

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- e. Suspend a permit pursuant to section 6 of this section;

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- f. Deny a permit application when in the opinion of the WMSSMA such discharge may cause or contribute to pass-through or interference of the wastewater treatment plant or where necessary effectuate the purposes of Pennsylvania's PA. CODE

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(H) Hearings.

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(1) Initial adjudicatory hearings. An applicant whose permit is denied, or is granted subject to conditions he deems unacceptable, a permittee/user assessed a civil penalty under section 7, or one issued an administrative order under section 6 shall have the right to an adjudicatory hearing before a hearing officer designated by the WMSSMA upon making written demand, identifying the specific issues to be contested, to the WMSSMA within thirty (30) days following receipt of the significant industrial user permit, civil penalty assessment, or administrative order. Unless such written demand is made within the time specified therein, the action shall be final and binding. The hearing officer shall make a final decision on the contested permit, penalty or order within forty-five (45) days of the receipt of the written demand for the hearing. The WMSSMA shall transmit a copy of the hearing officer's decision by registered or certified mail.

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a. New permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a newly issued permit, the terms and conditions of the entire permit are stayed and the permit is not in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

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b. Renewed permits. Upon appeal, including judicial review in the general courts of justice, of the terms or conditions of a renewed permit, the terms and conditions of the existing permit remain in effect until either the conclusion of judicial review or until the parties reach a mutual resolution.

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(2) Final appeal hearings.

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Any decision of a hearing officer made as a result of an adjudicatory hearing held under section 5(h)(1) above may be appealed, to the WMSSMA Commission upon filing a written demand within ten (10) days of receipt of notice of the decision. Hearings held under this subsection shall be conducted in accordance with section 6(c)(2), (3), (4), (5) and (6) of the section. Failure to take written demand within the specified time herein shall bar further appeal. The WMSSMA Commission shall make a final decision on the appeal within ninety (90) days of the date the appeal was filed and shall transmit a written copy of its decision by registered or certified mail.

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(3) Official record.

When a final decision is issued under section 5(h)(2) above, the WMSSMA

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Commission shall prepare an official record of the case that includes:

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a. All notices, motions, and other like pleadings;

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b. A copy of all documentary evidence introduced;

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c. A certified transcript of all testimony taken, if testimony is transcribed. If testimony is taken and not transcribed, then a narrative summary of any testimony taken.

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d. A copy of the final decision of the WMSSMA Commission.

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(4) Judicial review. Any person against whom a final order or decision of the WMSSMA Commission is entered, pursuant to the hearing conducted under section 5(h)(2) above, may seek judicial review of the order or decision by filing a written petition within thirty (30) days after receipt of notice by registered or certified mail of the order or decision, but not thereafter, with the Circuit Court along with a copy to the WMSSMA. Within thirty (30) days after receipt of the copy of the petition for judicial review, the WMSSMA's Commission shall transmit to the reviewing court the original or a certified copy of the official record.

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(l) Permit modification.

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(1) Modifications of permits shall be subject to the same procedural requirements as the issuance of permits except as follows:

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a. Changes in the ownership of the discharge when no other change in the permit is indicated.

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b. A single modification of any compliance schedule not in excess of four (4) months.

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c. Modification of compliance schedules (construction schedules) in permits for new sources where the new source will not begin to discharge until control facilities are operational. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

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(2) Within nine (9) months of the promulgation of a national categorical pretreatment standard, the wastewater discharge permit of users subject to such

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standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Where a user, subject to a national categorical pretreatment standard, has not previously submitted an application for a wastewater discharge permit as required by section 5(b), the user shall apply for a wastewater discharge permit within one hundred eighty (180) days after the promulgation of the

applicable national categorical pretreatment standard.

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(3) A request for a modification by the permittee shall constitute a waiver of the notice required by Pennsylvania's PA. CODE for modifications.

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(J) Permit conditions.

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(1) The WMSSMA shall have the authority to grant a permit with such conditions attached as he believes necessary to achieve the purpose of this section and Pennsylvania's PA.CODE Wastewater permits shall contain, but are not limited to, the following:

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a. A statement of duration (in no case more than five (5) years);

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b. A statement of non-transferability;

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c. Applicable effluent limits based on categorical standards or local limits or both;

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d. Applicable monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on federal, state, and local law;

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e. Notification requirements for slug loads;

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f. A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements and any applicable compliance schedule.

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(2) In addition, permits may contain, but are not limited to, the following:

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a. Limits on the average and/or maximum rate of discharge, and/or requirements for the flow regulation and equalization.

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b. Limits on the instantaneous, daily and monthly average and/or maximum concentration, mass, or other measure of identified wastewater pollutants or properties.

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c. Requirements for the installation of pretreatment technology or construction of appropriate containment devices, etc., designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW.

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d. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.

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- e. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the municipal wastewater system
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- f. The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the system.
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- g. Requirements for the installation and maintenance of inspection and sampling facilities and equipment.
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- h. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types, and standards for tests, and reporting schedules.
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- i. Requirements for immediate reporting of any instance of noncompliance and automatic resampling and reporting within thirty (30) days where self-monitoring indicates a violation(s).
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- j. Compliance schedules for meeting pretreatment standards and requirements.
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- k. Requirements for submission of periodic self-monitoring or special notification reports.
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- l. Requirements for maintaining and retaining plans and records relating to wastewater discharges as specified in section 4 and affording the WMSSMA, or his representatives, access thereto.
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- m. Requirements for prior notification and approval by the WMSSMA of any new introduction of wastewater pollutants or of any significant change in the volume or character of the wastewater prior to introduction in the system.
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- n. Requirements for the prior notification and approval by the WMSSMA of any change in the manufacturing and/or pretreatment process used by the permittee.
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- o. Requirements for immediate notification of excessive, accidental, or slug discharges, or any discharge which could cause any problems to the system.
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- p. A statement that the compliance with the permit does not relieve the permittee of responsibility for compliance with all applicable federal and state pretreatment standards, including those which become effective during the terms of the permit.
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- q. Other conditions as deemed appropriate by the WMSSMA to ensure compliance with this section, and state and federal laws, rules, and regulations.
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(K) Permit duration.

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Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period of less than five (5) years and expire on a specific date.

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(L) Permit transfer.

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Wastewater discharge permits are issued to a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.

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(M) Permit re-issuance.

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A significant industrial user shall apply for permit re-issuance by submitting a completed permit application in accordance with section 5 a minimum of one hundred eighty (180) days prior to the expiration of the existing permit.

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(N) Confidential information.

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Information and data on a user obtained from reports, questionnaires, permit applications, permits, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the WMSSMA that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Any such request must be asserted at the time of submission of the information or data or is waived.

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When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public but shall be made available upon written request to governmental agencies for uses related to this section, the national pollutant discharge elimination system (NPDES) permit, non-discharge permit and/or the pretreatment programs; provided, however, that such portions of a report shall be available for use by the state or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

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All records relating to compliance with pretreatment standards shall be made available to officials of the WMSSMA's approval authority and EPA upon request.

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Section 7. Enforcement Procedures.

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(A) Notification of violation.

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Whenever the WMSSMA finds that any person has violated or is violating this section, wastewater permit, or any prohibition, limitation or requirement contained therein, the WMSSMA may serve upon such person a written notice stating the nature of the violation. Within thirty (30) days from the date of this notice, an explanation for the violation and a plan

for the satisfactory correction thereof shall be submitted to the WMSSMA by the user.

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Submission of this plan does not relieve the discharger of liability for any violations occurring before or after receipt of the notice of violation.

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(B) Consent orders.

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The WMSSMA is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with the person responsible for the noncompliance. Such orders will include specific action to be taken by the discharger to correct the noncompliance within a time period also specified by the order. Consent orders shall have the same force and effect as an administrative order issued pursuant to section 6(d).

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(C) Show cause hearing.

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(1) The WMSSMA can order any person who causes or is responsible for an unauthorized discharge or other violations to show cause before the WMSSMA or his designee why a proposed enforcement action should not be taken. The procedure for the hearing shall be the same as for a hearing before the WMSSMA's Commission as set forth in paragraphs (2), (3), (4), (5), and (6) below. If the person elects, he may appeal to WMSSMA's Commission for a *de nova* hearing within ten (10) days after the WMSSMA's order.

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(2) If the violation is not corrected by timely compliance, the WMSSMA shall order any person who causes or allows an unauthorized discharge to show cause before the WMSSMA's Commission why service should not be terminated. A notice shall be served on the offending party specifying the time and place of a hearing to be held by the WMSSMA's Commission regarding the violation, and directing the offending party to show cause before the WMSSMA's Commission why an order should not be made directing termination of service. The notice of the hearing shall be served personally or by certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent, officer, or other authorized representative as previously defined in this section.

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(3) The WMSSMA's Commission shall conduct the hearing.

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(4) The WMSSMA's Commission shall:

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a. Issue such notices of hearing and request the attendance and testimony of such witnesses and the production of such evidence as it deems relevant to any matter involved in any such bearing;

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b. Receive the evidence; and

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c. Thereafter, within thirty (30) days, enter a written report based upon the evidence and hearing together with recommendations for action thereon.

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(5) At any public hearing, testimony taken before the WMSSMA's Commission must

be under oath and recorded stenographically, by tape recording, or suitable other method. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

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(6) After the [Local Governing Authority] has reviewed the evidence, it shall issue an order to the party responsible for the discharge directing that following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

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(D) Administrative orders.

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When the WMSSMA finds that any user has violated or continues to violate this section, permits or orders issued hereunder, or any other pretreatment requirement the WMSSMA may issue an order to cease and desist all such violations and direct those persons in noncompliance to do any of the following:

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(1) Immediately comply with all requirements;

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(2) Comply in accordance with a compliance time schedule set forth in the order;

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(3) Take appropriate remedial or preventive action in the event of a continuing or threatened violation; and

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(4) Disconnect unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated within a specified time period.

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(E) Emergency suspensions.

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The WMSSMA may suspend the wastewater treatment service and/or wastewater permit when such suspension is necessary to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or the environment, interferes with the POTW or causes the POTW to violate any condition of its non-discharge permit.

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Any user notified of a suspension of the wastewater treatment service and/or wastewater permit shall immediately stop or eliminate the contribution. A hearing will be held within fifteen (15) days of the notice of suspension to determine whether the suspension may be lifted or the users waste discharge permit terminated. In the event of a failure to comply voluntarily with the suspension order, the WMSSMA shall take 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 WMSSMA shall reinstate the wastewater permit and the wastewater treatment service upon proof of the elimination of the non-compliant discharge. The user shall submit a detailed written statement describing the causes of the harmful contribution and the measures taken to prevent future occurrence to the WMSSMA prior to the date of the above described hearing.

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(F) Legal action.

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Any discharge in violation of the substantive provisions of this section or in violation of an order of the hearing authority shall be considered a public nuisance. If any person discharges sewage, industrial wastes, or other wastes into the WMSSMA's POTW contrary to the substantive provisions of this section or an order of the hearing authority, the WMSSMA's attorney shall commence an action for appropriate legal and/or equitable relief in a court of competent jurisdiction.

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(G) Termination of permit.

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Any user who violates the following conditions of this section, or applicable state and federal regulations, is subject to having its permit terminated:

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(1) Failure to accurately report the wastewater constituents and characteristics of his discharge;

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(2) Failure to report significant changes in operations, or wastewater constituents and characteristics;

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(3) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; or

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(4) Violation of conditions of the permit. Non-compliant industrial users will be notified of the proposed termination of their wastewater permit and will be offered an opportunity to show cause under section 6(c) of this section why the proposed action should not be taken.

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Section 8. Civil and Criminal Penalties; Costs; Defenses to Discharge Violations.

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Any person who is found to have violated an order of the WMSSMA's Commission or who failed to comply with any provisions of this section, or the orders, rules and regulations issued hereunder, may be liable for civil fines, costs, and damages for each offense. Furthermore, it shall be a misdemeanor for any person to violate an order of the WMSSMA's Commission or to fail to comply with any provisions of this section or any of the orders, rules and regulations issued hereunder, and each days violation thereof shall be deemed a separate and distinct offense. In addition to the civil or criminal penalties provided herein, the WMSSMA shall seek recovery of reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit against any violators of this section or the orders, rules and regulations issued hereunder. In addition to the penalties provided for in this section any violation can be penalized by the Department of Environmental Management and other appropriate state and federal agencies

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(A) Civil penalties.

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(1) Any person or user who is found to have failed to comply with any provision of this section, or the orders, rules, regulations and permits issued hereunder, may be fined up to ten thousand dollars (\$10,000.00) per day per violation.

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Such assessments may be added to the user's next scheduled sewer service charges and the WMSSMA shall have such remedies for the collection of such assessments as it has for collection of other service charges.

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(2) In determining the amount of the civil penalty, the WMSSMA shall consider the following:

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a. The degree and extent of the harm to the natural resources, to the public health, or to public or private property resulting from the violation;

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b. The duration and gravity of the violation;

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c. The effect on ground or surface water quantity or quality or on air quality;

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d. The cost of rectifying the damage;

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e. The amount of money saved by noncompliance;

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f. Whether the violation was committed willfully or intentionally;

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g. The prior record of the violator in complying or failing to comply with the pretreatment program; and

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h. The costs of enforcement to the WMSSMA.

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(3) Appeals of civil penalties assessed in accordance with this section shall be as provided in section 5(h).

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(B) Other available remedies.

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Additional available remedies include, but are not limited to:

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(1) Criminal violations.

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The district attorney's office may prosecute non-compliant users who violate the provisions of Pa. CODE

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(2) Injunctive relief.

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Whenever a user is in violation of the provisions of this section or an order or permit issued hereunder, the WMSSMA, through the WMSSMA's

attorney, may petition the court of justice for the issuance of a restraining order or a preliminary and permanent injunction, which restrains or compels the activities in question.

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(3) Water severance.

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Whenever a user is in violation of the provisions of this section or an order or permit issued hereunder, water service to the industrial user may be severed and service will only recommence, at the user's expense, after it has satisfactorily demonstrated ability to comply.

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(4) Harmful contributions.

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The WMSSMA shall suspend the wastewater treatment service and or a wastewater discharge permit when suspension is necessary, in the opinion of the WMSSMA, in order to stop an actual or threatened discharge which presents or shall present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW or causes the WMSSMA to violate any condition of its NPDES permit.

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Any person notified of a suspension of the wastewater treatment service and/or wastewater discharge permit shall immediately stop or eliminate the contribution. In the event of a failure of the person to comply voluntarily with the suspension order, the WMSSMA shall take such steps as deemed necessary including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or endangerment to any individuals. The WMSSMA shall reinstate the wastewater discharge permit and/or the wastewater treatment service upon proof of the elimination of the non-complying discharge. A detailed written statement submitted by the user describing the causes of the harmful contribution and the measures taken to prevent any further occurrence shall be submitted to the WMSSMA within fifteen (15) days of the date of occurrence.

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All costs incurred by the WMSSMA incident to the severance and/or reinstatement of a user's sewer connection shall be borne by the user.

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(5) Public nuisances.

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Any violations of the prohibitions or effluent limitations of this section or of a permit or order issued hereunder, is hereby declared a public nuisance and shall be corrected or abated as directed by the WMSSMA. Any person(s) creating a public nuisance shall be subject to the provisions of outlines in the municipal code governing such nuisances, including reimbursing the POTW for any costs incurred in removing, abating or remedying said nuisance.

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(6) Remedies nonexclusive.

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The remedies provided for in this section are not exclusive. The WMSSMA may take any, all, or any combination of actions against a non-compliant user. Enforcement

of pretreatment violations will generally be in accordance with the WMSSMA's enforcement response plan. However, the WMSSMA may take other action against any user when the circumstances warrant.

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(7) In addition to the penalties and remedies contained herein, any persons violating the provisions of this section shall be subject to the penalties set forth in sections 1-10.

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(C) Upset.

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(1) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards and if the requirements of paragraph (2) below, are met.

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(2) A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:

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a. An upset occurred and the user can identify the cause(s) of the upset;

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b. The facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and

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c. The user has submitted the following information to the WMSSMA within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days):

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1. A description of the indirect discharge and cause of noncompliance;

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2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

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

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(3) In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.

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(4) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.

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(5) Users shall control production of all discharges to the extent necessary to

maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

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(D) Prohibited discharge standard defense.

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A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in section 5(a) of this section or the specific prohibitions in sections 5(b)(2), (3), and (5) through (7) of this section if it can prove that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

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(1) A local limit exists for each pollutant discharged and the user was in compliance with each limit directly prior to, and during the pass through or interference; or

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(2) No local limit exists but the discharge did not change substantially in nature or constituents from the user's prior discharge when the WMSSMA was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

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(E) Bypass.

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(1) A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provision of paragraphs (2) and (3) of this subsection.

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(2) If a user knows in advance of the need for a bypass, it shall submit prior notice to the WMSSMA, at least ten (10) days before the date of the bypass, if possible.

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(3) A user shall submit oral notice to the WMSSMA of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of this time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The WMSSMA may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

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(4) Bypass is prohibited, and the WMSSMA may take an enforcement action against a user for a bypass, unless:

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a. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;

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

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- c. The user submitted notices as required under paragraph (2) of this subsection.

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- (5) The WMSSMA may approve an anticipated bypass, after considering its adverse effects, if the WMSSMA determines that it will meet the three (3) conditions listed in paragraph (4) of this subsection.

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Section 9. Pretreatment Fees and Charges and Surcharges for Treatment of Industrial Wastes.

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- (A) Purpose.

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It is the purpose of this section to provide for the recovery of costs from users of the WMSSMA's for the implementation of the program established herein and for treating industrial wastewater. The applicable charges and fees shall be established by resolution by the WMSSMA's Commission.

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- (B) Charges and fees.

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A user charge shall be levied on all users including, but not limited to persons, firms, corporations or governmental entities that discharge, cause or permit the discharge of sewage into the POTW. The WMSSMA shall adopt charges and fees, which shall include:

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- (1) The user charge shall reflect at least the cost of debt service, operation and maintenance (including replacement) of the POTW;

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- (2) Each user shall pay its proportionate cost based on volume of flow;

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- (3) The WMSSMA's manager shall review annually the sewage contributions of users, the total cost of debt service, operation and maintenance of the WMSSMA and will make recommendations to the WMSSMA's Commission for adjustments in the schedule of charges and fees as necessary;

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- (4) Charges for flow to the POTW not directly attributable to the users shall be distributed among all users of the WMSSMA based upon volume of flow of the users;

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- (5) Fees for consistent removal by the WMSSMA's of pollutants otherwise subject to federal pretreatment standards;

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- (6) Fees for wastes from holding tanks;
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(7) Fees for reimbursement of maintenance costs for clean out of sewer line
stoppage caused by a non-compliant user; and
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(8) Other fees as the WMSSMA shall deem necessary to carry out the requirements
contained herein. These fees relate solely to the matters covered by this section and are
separate from all other fees chargeable by the WMSSMA.
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(C) Surcharges.

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All industrial users of the WMSSMA are subject to industrial waste surcharges on
discharges, which exceed the following levels:

Parameter	Concentration mg/l
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Biochemical oxygen demand (BOD)	350
Total Suspended solids (TSS)	350

Said surcharge shall be invoked as herein provided in addition to any sewer charge
imposed after the adoption of this section. The aforesaid surcharge may include:

- (1) All fixed charges and amortization costs or additional plant capacity for treating
said industrial wastes; and
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(2) A charge covering the actual cost of operation and maintenance incurred by the
WMSSMA in treating said industrial wastes in the POTW.

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- (D) Amount of surcharge.

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The amount of surcharge will be based upon the mass emission rate (in pounds per day)
discharge above the levels listed above. The amount charged per pound of excess will be set
forth in the schedule of charges and fees. The said sewer surcharge shall be determined in the
following manner:

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- (1) The WMSSMA shall compute and recommend the rate to be charged during
each fiscal year for BOD, COD, and TSS which is discharged into the WMSSMA's POTW
based upon the operating cost and the amortization and fixed costs of the WMSSMA's
POTW as experienced at said plant during the preceding fiscal year.

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- (2) The WMSSMA shall review the recommended rate and adopt a rate or rates to
be charged during the ensuing fiscal year or until revised.

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- (3) The combined surcharge, as set forth in paragraph (c) of this section shall be

billed and payable monthly on a bill rendered to the proper persons by the WMSSMA's finance department. Surcharges imposed hereunder shall be collected in the same manner as other utility charges and nonpayment or delinquency shall subject the customer to the same penalties, including termination of services, as those for other utility services.

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(4) The volume of flow used in determining the total discharge of wastewater for payment of user charges and surcharges shall be based on the following:

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a. Metered water consumption as shown in the records of meter readings maintained by the WMSSMA; or

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b. If required by the WMSSMA or at the individual discharger's option, other flow monitoring devices which measure the actual volume of wastewater discharged to the sewer. Such devices shall be accessible and safely located, and the measuring system shall be installed in accordance with plans approved by the WMSSMA. The metering system shall be installed and maintained at the users expense.

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c. Where any user procures all or part of his water supply from other sources other than the WMSSMA, the user shall install and maintain at his own expense a flow-measuring device of a type approved by the WMSS MA.

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(5) The character and concentration of the constituents of the wastewater used in determining surcharges shall be determined by samples collected and analyzed by the WMSSMA. Samples shall be collected in such a manner as to be representative of the actual discharge and shall be analyzed using procedures set forth in 40 CFR part 136.

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(6) The determination of the character and concentration of the constituents of the wastewater discharge by the WMSSMA or his duly appointed representatives shall be binding as a basis of charges.

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(E) Pretreatment program administration charges.

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The schedule of charges and fees adopted by the WMSSMA may include charges and fees for:

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(1) Fees for reimbursement of costs for setting up and operating the WMSSMA's pretreatment program;

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(2) Fees for monitoring, inspection and surveillance procedures;

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(3) Fees for reviewing accidental discharge procedures and construction;

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(4) Fees for permit applications;

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(5) Fees for filing appeals;

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- (6) Other fees as the WMSSMA may deem necessary to carry out the requirements of the pretreatment program.

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Section 10. Protection from Damages.

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- (A) No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, disconnect, deface or tamper with any equipment or materials belonging to the WMSSMA used for the purpose of making tests or examinations that shall be left upon the premises of a person discharging wastes into the P01W.

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- (B) No permit shall authorize chlorides to exceed two hundred (200) parts per million or milligrams per liter by weight except upon the condition that such applicant agree in writing to pay for and otherwise compensate the WMSSMA for any and all damages, including but not limited to excessive deterioration of metal components to the WMSSMA's sewer treatment and/or works. that are shown to be caused by or attributable to the allowance of this variance.

Resolved, this 6th day of October 1999:

WEST MIFFLIN SANITARY SEWER MUNICIPAL AUTHORITY

ATTEST:

Cynthia Sullivan, Chairman

<![if !supportEmptyParas]> <![endif]>

Michael Price, Secretary

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