

NAZARETH BOROUGH MUNICIPAL AUTHORITY
NORTHAMPTON COUNTY, PENNSYLVANIA
RULES AND REGULATIONS

The following Rules and Regulations shall be and are hereby declared to be the Rules and Regulations of Nazareth Borough Municipal Authority, Northampton County, governing connections to, operation and use of the Sewer System and the rates and charges imposed on all users, to wit:

Article 1. Definitions.

Section 1.01 Unless the context specifically and clearly indicates otherwise, the meaning of items used in these Rules and Regulations shall be as follows:

A. "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.

B. "Authority" means the Nazareth Borough Municipal Authority (NBMA) or its authorized representatives.

C. "Borough" means the Borough of Nazareth, Northampton County, Pennsylvania, a municipality of the Commonwealth of Pennsylvania, acting by and through its Council, or, in appropriate cases, acting by and through its authorized representatives.

D. "Building Sewer" means the extension from the sewage drainage system of any structure to the lateral of a sewer or to any other structure.

E. "Categorical Standards" means National categorical pretreatment standards or pretreatment standard as defined in (40CFR403).

F. "Connection Unit" shall mean a separate structure on an Improved Property which is connected or required to be connected to the Municipal Wastewater System by an individual Building Sewer and Lateral. A Connection Unit shall include each portion of a structure (e.g. duplexes, townhouses) which is designed or adaptable to separate ownership for use as a single-family dwelling unit or for a commercial or industrial purpose. A school,

factory, apartment building, office building, warehouse, shopping center, or other multiple unit structure whose individual apartments, departments or units are connected to an internal wastewater collection system shall be considered as one Connection Unit.

G. "Cooling Water" means the water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

H. "DEP" means the Pennsylvania Department of Environmental Protection or, where appropriate, it shall also mean any duly authorized official of said agency. Any reference to DER will be assumed to refer to DEP.

I. "DRBC" means the Delaware River Basin Commission or, where appropriate, it shall also mean any duly authorized official of said agency.

J. "Domestic Waste" means the normal water borne or dissolved waste discharged by a residential household, as well as toilet wastes discharged by any user.

K. "EPA" means the United States Environmental Protection Agency or, where appropriate, it shall also mean any duly authorized official of said agency.

L. "Equivalent Dwelling Unit" ("EDU") means a Connection Unit usage of two hundred (200) gallons per day.

M. "Federal Pretreatment Standards" means any regulations prescribing pollutant discharge limits by industrial user categories promulgated by the EPA pursuant to the Act (33 U.S.C. 1317(b) and (c)).

N. "Federal Prohibitive Discharge Standard" means those regulations promulgated by EPA under the authority of the Act (33 U.S.C. 1317(b)) from time to time, including applicable regulations (40 CFR 403.5).

O. "Grab Sample" means a sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

P. "Improved Property" means any property located within the sewered area upon which there is erected a

structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structure sanitary sewage and/or industrial waste shall be or may be discharged.

Q. "Industrial User" means a user owning or operating any facilities, premises or structures used for or intended to be used in whole or in part for (1) manufacturing, fabricating, warehousing, processing, cleaning or assembling any product, commodity or article, or (2) developing, recovering or processing natural resources, or (3) health care, hospital, nursing home or similar institution. For this purpose, any user discharging wastewater into the Municipal Wastewater System which, based on information, experience, or analysis, is deemed to be industrial waste shall also be considered an industrial user. The term Industrial User means a source that introduces pollutants into the municipal wastewater system and any non-domestic source regulated under §307(b), (c) or (d) of the Act.

R. "Industrial Waste" means any solid, liquid or gaseous substance or water borne or dissolved wastes or process contact cooling water, other than domestic waste, that is ejected, escaping or discharged into the Municipal Wastewater System. Industrial waste includes pollutant and toxic pollutants as defined herein. Industrial waste includes waste from health care facilities that would be otherwise identified as domestic waste.

S. "Interference" means the inhibition or disruption of the treatment plant or treatment process which may contribute to or cause a violation of any requirements of the NPDES permit. The term includes prevention of sewage sludge use or disposal in accordance with the Act (33 U.S.C. 1345), or any criteria, guidelines or regulations developed pursuant to the Federal Solid Waste Disposal Act, the Federal Clean Air Act, the Federal Toxic Substances Control Act or more stringent State criteria (including those contained in any state sludge management plan) applicable to the method of disposal or use by the Municipal Wastewater System.

T. "Lateral" means that part of the sewer system extending from a sewer main to the curb line, or, if there shall be no curb line to the property line, or, if a utility easement is provided to the property side of the

easement, or if no such lateral shall be provided, then "Lateral" shall mean that portion of, or place in, a sewer main which is provided for connection of any building sewer.

U. "Manager" shall mean the manager of the Nazareth Borough Municipal Authority. The Manager is the person responsible to the Board for the operations of the plant, the collection system, the office, and all employees. The Manager is the person responsible for the issuance of permits, collection of Tapping Fees and inspection of all connections.

V. "Municipal Wastewater System" means the wastewater collection system, treatment plant, pump stations and other ancillary facilities owned and operated by the Authority. This shall include not only Authority-owned laterals and sewer mains, but any other wastewater lines which, by agreement or by order of other authority, discharge into the Authority-owned Municipal Wastewater system or treatment plant. This definition includes the treatment processes, systems and procedures.

W. "NAICS Codes" means a classification pursuant to the North American Industry Classification System adopted by the Office of Management and Budget on April 9, 1997.

X. "Nonresidential User" means any commercial institutional or industrial user other than a residential user which is connected to the MWS and from which wastewater is or may be discharged. Nonresidential User includes the owner of a multiple unit facility occupied for residential purposes, such as an apartment building, a retirement community, a boarding house or similar facility.

Y. "NPDES Permit" means the National Pollution Discharge Elimination System permit issued to the Authority pursuant to the Act (33 U.S.C. 1342).

Z. "Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity and/or any other legal entity, or their legal representatives, trustees, agents, successors or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

AA. "pH" means the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per liter of solution.

AB. "Plant Operator" means the plant operator, and back-up or assistant operators, of the Nazareth Borough Municipal Authority or its designated agents.

AC. "Pollutant" means any dredged spoil, solid waste, liquid waste, gaseous waste, incinerator residue, sewage, garbage, sewage sludge, chemical wastes, biological materials, radioactive materials, heat, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.

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

AE. "Pretreatment" means the reduction of the amount of pollutants, the elimination 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 Municipal Wastewater System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities, for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the Municipal Wastewater System. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR 403.6(e).

AF. "Pretreatment Requirements" means any substantive or procedural requirement related to pretreatment other than a national pretreatment standard imposed on an industrial user. These requirements shall take precedence over the federal pretreatment standards when the pretreatment requirements specified herein are more restrictive.

AG. "Pump Station" means a facility designed to collect and transport wastewater within the municipal wastewater system for the purpose of lifting the wastewater.

AH. "Residential User" means any occupant of a private dwelling, dwelling unit in a double house or in a row of connecting houses, apartment, room, group of rooms, house trailer, mobile home or any structure for use as separate living quarters by a family or group of persons living together or by persons living alone, which structure is connected to the MWS and from which wastewater is or may be discharged. Residential User does not include the owner of a multiple unit facility occupied for residential purposes, such as an apartment building, a retirement community, a boarding house or similar facility.

AI. "Sanitary Sewer Improvements" means any combination of sewer mains, laterals, manholes, pipes, connections, accessories or attachments which are constructed by a developer and dedicated to the Authority.

AJ. "Sewered Area" shall mean that portion of the community in which there shall be located a Municipal Wastewater System as from time to time constructed and extended by the Authority, the Borough, the Township or others.

AK. "Sewer Main" means any pipe or conduit constituting a part of the Municipal Wastewater System connecting laterals to the treatment plant.

AL. "Sewer Rental Unit" shall mean any Connection Unit or portion thereof connected to the Municipal Wastewater System which (1) occupies separate building space; (2) contains at least one receptacle or fixture for wastewater for the separate use of the occupants thereof; and (3) provides separate income, service or benefit to the Owner thereof.

AM. Shall is mandatory, may is permissive.

AN. "Significant Industrial User".

(1) Except as provided in Paragraph (2) of this Section, the term Significant Industrial User means:

(a) All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N; and

(b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the Municipal Wastewater System (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process waste stream which makes up five percent or more of the average dry weather hydraulic or organic capacity of the Municipal Wastewater System treatment plant; or is designated as such by the Control Authority as defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the Municipal Wastewater System's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8(f)(6)).

(2) Upon a finding that an industrial user meeting the criteria in Paragraph (1)(b) of this Section has no reasonable potential for adversely affecting the Municipal Wastewater System's operation or for violating any pretreatment standard or requirement, the Control Authority (as defined in 40 CFR 403.12(a)) may at any time, on its own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(f)(6), determine that such industrial user is not a significant industrial user.

AO. "State" means Commonwealth of Pennsylvania.

AP. "Storm Water" means any water flow occurring during or following any form of natural precipitation and resulting therefrom.

AQ. "Street" shall mean and include any street, road, lane, court, alley and public square.

AR. "Suspended Solids" means the total suspended matter that floats on the surface of or is suspended in water, wastewater or other liquids, and is discharged or subject to discharge into the Municipal Wastewater System.

AS. "Township" shall mean Upper Nazareth Township, Lower Nazareth Township, Bushkill Township, and Palmer Township in Northampton County, Pennsylvania.

AT. "Toxic Pollutant" means any pollutant or combination of pollutants (1) listed as toxic in regulations promulgated by EPA under the Act, or (2) discharged into the Municipal Wastewater System at a concentration that has been or can be shown by scientific experiment to inhibit or disrupt any part or portion of the treatment process, or (3) listed as toxic in regulations promulgated by DEP, or (4) specifically identified by any other state or federal act as being toxic.

AU. "Treatment Plant" means that portion of the Municipal Wastewater System designed to provide treatment to the discharged wastewater, including all pumps, holding tanks and other such ancillary facilities.

AV. "Treatment Process" means those operations, processes, systems and procedures employed at the treatment plant to alter the wastewater discharged into the Municipal Wastewater System so that the effluent from the treatment plant will meet or exceed the NPDES permit standards.

AW. "User" means any person who voluntarily or involuntarily, intentionally or unintentionally, accidentally or inadvertently discharges wastewater into the Municipal Wastewater System.

AX. "Volume Unit" shall mean any Improved Property which satisfies all of the following conditions: (1) nonresidential user, (2) single owner facilities located on contiguous premises bounded by public streets, (3) facilities connected to the MWS by one or more laterals, and (4) generates an average daily minimum usage in excess of 500 gallons per unit or the total volume of average usage divided by 200 gallons times the number of sewer rental units located in the connection unit plus 500 gallons.

AY. "Wastewater" means a substance that contains the waste products or excrement or other discharge from the bodies of human beings or animals and noxious or deleterious substances being harmful or inimical to the public health, or to animal or aquatic life, or to the use of water for domestic water supply or for recreation, or

which constitutes pollution under the act of June 22, 1937 (P.L. 1987, No. 394), known as "The Clean Streams Law."

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

Article 1.2. Table of Abbreviations.

BOD - Biochemical Oxygen Demand
CFR - Code of Federal Regulations
COD - Chemical Oxygen Demand
DEP - Department of Environmental Protection
DRBC - Delaware River Basin Commission
EPA - Environmental Protection Agency
l - Liter
mg - milligrams
mg/l - milligrams per liter
NAICS - North American Industry Classification System
NPDES - National Pollutant Discharge Elimination System
SWDA - Solid Waste Disposal Act, 42 U.S.C. 6901, et seq.
USC - United States Code
SS - Suspended Solids
CWA - Clean Water Act, as amended, 33 U.S.C. 1251
NBMA - Authority
MWS - Municipal Wastewater System

Article 1...

DEFINITIONS

AAA. "Grease" means material composed primarily of fats, oil, and grease (FOG) from animals or vegetable sources. Fats, oil, and grease are organic polar compounds that contain multiple carbon chain triglyceride molecules which are detectable and measureable using analytical procedures established in 40 C.F.R. 136. Grease does not include petroleum based products.

AAB. "Grease Trap" means a device for separating and retaining waterborne greases and grease complexes prior to the wastewater entering the sanitary sewer collection and treatment system. These devices typically are rated for flows of 50 gpm or less. Grease traps are located inside a food service facility or under a sink.

AAC. "Grease Interceptor" means a device for separating and retaining waterborne greases and grease complexes prior to the wastewater exiting the trap and entering the sanitary sewer collection and treatment system. These devices also serve to collect settleable solids, generated by and from food preparation activities. These devices typically are rated for flows greater than 50 gpm. Grease interceptors are located underground and outside of a food service facility.

AAD. "Oil/Water Separator" means a device designed and installed to segregate oil and water to prevent the discharge of oils to the MWS. The system shall allow the oil to be collected and removed on a regular basis as to prevent it from being discharged into the wastewater collection system. Only oil/water separators manufactured for that specific operation will be approved..

AAE. "Food Service Facilities" Those establishments engaged in activities of preparing, serving, or otherwise making available for consumption foodstuff and that use one or more of the following preparation activities: cooking by frying (all methods), baking (all methods), grilling, sauteing, rotisserie cooking, broiling (all methods), boiling, blanching, roasting, toasting, or poaching. Also included are infrared heating, searing, barbecuing, and any other food preparation activity that produces a hot, non-drinkable food product in or on a receptacle that requires washing. These facilities include, by way of example, restaurants, cafeterias, hotel kitchens, hospitals, nursing homes, school kitchens, and caterers.