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Part 1

Individual or Community Sewage Systems

§101. Permit Required. No person shall install or alter subsurface sewage disposal system, nor construct any building in which a subsurface sewage disposal system is to be installed, in Bradford Township, without first: obtaining a permit indicating that the site, plans and specifications of such system are in compliance with the Pennsylvania Sewage Facilities Act' of 1974 and the Rules and Regulations adopted pursuant to said Act as promulgated by the Department of Environmental Resources. (Ord. 1976-1, 6/28/1976, § 1)

§ 102. Exceptions. The provisions of § 101 of this Part shall not apply to the installation of an individual sewage disposal system on an undivided parcel of land of ten (10) acres or more providing the sewage disposal system is installed at least one hundred fifty feet (150') from any property line, public road or stream, where such individual sewage disposal system shall serve one structure housing not more than two (2) families. (Ord. 1976-1, 6/28/1976, §2)

§103. Application and Fee. The Township shall appoint a State Certified Sewage Enforcement Officer to whom all applications for the herein required permits shall be made. Upon making such application to the said officer, a fee for basic services, as hereby established in Exhibit A "Schedule of Sewage Enforcement Services and Fees," or as may hereafter be amended by resolution of the Supervisors, shall be paid by applicant. The stated fee does not include the cost of labor, materials and equipment for preparing test pits and percolation holes for conducting required percolation tests. Such labor and materials shall be provided by the applicant.

The applicant has the following responsibilities:

1. Soil test excavation;
2. Dig percolation holes;
3. Pre-soak the test holes;
4. Provide sufficient water for percolation test;
5. Notify Inspection Officer for final inspection.

At no additional cost to the applicant, the Enforcement Officer may design the subsurface disposal system for the applicant if he so wishes, except \There the regulations specifically require detailed engineering design or design by a Registered Professional Engineer. (Ord. 1976-1, 6/28/1976, §3)

§ 104. Length of Legal Effect. Each permit issued for a sewage disposal system to be located in Bradford Township, McKean County, Pennsylvania by virtue of this Part shall have legal effect for two (2) years from the date of issue for completion of installation. (Ord. 1976-1, 6/28/1976, §4)

§105. Subdivisions.

1. In accordance with the Rules and Regulations of the Department of Environmental Resources promulgated pursuant to the Pennsylvania Sewage Facilities Act of 1974, no permit for the installation of any individual or community subsurface sewage disposal system shall be issued to any individual who shall subdivide a parcel of land into two or more parcels, any one of which parcels is less than ten (10) acres, nor shall any permit issue to any successor in title to anyone of such subdivided parcels, unless a prior determination is made by the Department of Environmental Resources, upon recommendation of the Board of Supervisors, that the proposed sub-division would either:

A. Be in conformity with the existing municipal water and sewage plan; or

B. Be of such nature as to require a revision of the municipal plan, and the plan is duly revised by the Board of Township Supervisors and the Department of Environmental Resources.

2. In accordance with the State regulation mentioned in subsection 1 of this section, no application for individual or community subsurface sewage disposal system permit shall be considered for any parcel within a proposed subdivision unless the subdivider thereof shall make application, where appropriate, for the approval of a supplement or revision of the existing municipal plan and pay the applicable basic fee therefor which is hereby established in Exhibit A (§109).

All subdividers of two or more lots will be required to submit a "Planning Module," a plan revision or supplement as required by the rules and regulations prior to obtaining a sewage disposal permit for any lots in their subdivision. The Township Supervisors shall supply the services of their Enforcement Officer to assist the subdivider in completing the necessary forms and soils report.

All subdividers will be required to pay a "Subdividers Fee" as set forth in the attached "Schedule of Fees." The Subdivider will supply the Enforcement Officer with a reproducible copy of his subdivision plan showing the location of all lots and five foot (5') contour intervals. The plan shall be of a scale not less than 1" = 100'.

It will be the responsibility of the applicant to provide the Enforcement Officer, upon application, with all information and data required under the applicable State regulations, including the provision of a reproducible copy of the subdivision plan showing the location of all lots and five foot (5') contour intervals on a scale of not less than one hundred feet (100') to the inch. All such information shall be supplied on forms supplied by the Township Enforcement Officer and shall constitute in such form the subdividers completed application for approval of a plan supplement or revision.

It shall be the responsibility of the Township Enforcement Officer to review on behalf of the municipality the contents of such application, and within twenty (20) days of his receipt thereof, to forward same to the Board of Township Supervisors with his recommendation as to approval or disapproval of the proposed revision or supplement.

(Ord. 1976-1, 6/28/1976, §5)

§106. Rejection of Sewage site. In the event that upon proper application and payment of the required fee for an individual sewage disposal permit by an applicant, the proposed site of such system is rejected by the Enforcement Officer by reason of the unsuitability of the soil following the initial test pit, the applicant shall be refunded a portion of the fee as described in Exhibit A (§109). (Ord. 1976-1, 6/28/1976, §6)

§107. Compliance. All applicants subject to the requirements of this Part shall comply with the request of the Township or the Township Sewage Enforcement Officer to produce information, data, maps, plans and other documents which may be required under the applicable State Regulations. (Ord. 1976-1, 6/28/1976, §7)

§108. Penalties. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Ord. 1976-1, 6/28/1976, §8; as amended by Ord. 1-89, 3/13/1989; by Ord. 6 - 9 6 -1, 6/17/1996, § 1; and by Ord. 4/15/1997, § 1)

§109. Exhibit A: Schedule of Sewage Enforcement Services and Fees.

1. Application for Sewage Permit

A. Basic Services:

- (1) evaluate test pits (1 inspection trip);
- (2) run and evaluate percolation test (1 inspection trip if required) ;
- (3) final inspection (1 inspection trip, if required); (4) process application.

B. Fees shall be in accordance with a fee schedule as established by resolution of the Board of Supervisors.

2. Payments - All payments by applicants are to be made payable to Bradford Township and shall be presented to the Township Secretary.

(Ord. 1976-1, 6/28/1976, Exhibit "A"; as amended by Ord. 1-89, 3/13/1989)

Part 2
Holding Tanks

§201. Purposes. The purpose of this Chapter is to establish procedures for the use and maintenance of holding tanks designed to receive and retain sewage whether from residential or commercial uses and it is hereby declared that the enactment of this Chapter is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of this municipality. (Ord. 1984-1, 11/12/1984, §1)

§202. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY - Supervisors of Bradford Township, McKean County, Pennsylvania.

HOLDING TANK - a watertight receptacle which receives and retains sewage and is designed and constructed to facilitate ultimate disposal of the sewage at another site. Holding tanks include but are not limited to the following:

A. **CHEMICAL TOILET** - a toilet using chemicals that discharge to a holding tank.

B. **RETENTION TANK** - a holding tank where sewage is conveyed to it by a water carrying system.

IMPROVED PROPERTY - any property within the Township upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals or from which sewage shall or may be discharged. [Ord. 1991-4]

MUNICIPALITY - Bradford Township, McKean County, Pennsylvania.

OWNER - any person vested with ownership, legal or equitable, sole or partial, of any property located in the Township.

PERSON - any individual, partnership, company, association, corporation or other group or entity.

SEWAGE - any substance that contains any of the waste products or excrement or other discharge from the bodies of human beings or animals and any noxious or deleterious substance 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.

§203. Rights and Privileges Granted. The Authority is hereby authorized and empowered to undertake within the Township the control and methods of holding tank sewage disposal and the collection and transportation thereof. (Ord. 1984-1, 11/12/1984, §3)

§204. Rules and Regulations. The Authority is hereby authorized and empowered to adopt such rules and regulations concerning sewage which it may deem necessary from time to time to effect the purposes herein. (Ord. 1984-1, 11/12/1984, §4)

§205. Rules and Regulations to be in Conformity with Applicable Law.

All such rules and regulations adopted by the Authority shall be in conformity with the provisions herein, all other ordinances of the Township, and all applicable laws, and applicable rules and regulations of administrative agencies of the Commonwealth of Pennsylvania. (Ord. 1984-1, 11/12/1984, §5)

§206. Rates and Charges. The Authority shall have the right and power to 'fix, alter, charge and collect rates, assessments, and other charges in the area .served by its facilities at reasonable and uniform rates as authorized by applicable law. The permit fee for each holding tank shall be as established by resolution of the Board of Supervisors. (Ord. 1984-1, 11/12/1984, §6; as amended by Ord. 1-89, 3/13/1989)

§207. Exclusiveness of Rights and Privileges. The collection and transportation of all sewage from any improved property utilizing a holding tank shall be done solely by or under the direction and control of the Authority, and the disposal thereof shall be made only at such site or sites as may be approved by the Department of Environmental Resources of the Commonwealth of Pennsylvania. (Ord. 1984-1, 11/12/1984, §7)

§208. Duties of Improved Property Owner. property that utilizes a holding tank shall:

1. Maintain the holding tank in conformance with this or any ordinance of this Township, the provisions of any applicable law, and the rules and regulations of the Authority and any administrative agency of the Commonwealth of Pennsylvania.

2. Permit only the Authority or its agent to collect, transport, and dispose of the contents therein.

§209. Penalties. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Ord. 1984-1, 11/12/1984, §9; as amended by Ord. 1-89, 3/13/1989; by Ord. 6-96-1, 6/17/1996, §1; and by Ord. 4/15/1997, §1)

§210. Abatement of Nuisances. In addition to any other remedies provided in this Part, any violation of §208 shall constitute a nuisance and shall be abated by the municipality or the Authority by either seeking appropriate equitable or legal relief from a court of competent jurisdiction. In addition thereto, in the event that the municipality or the Authority shall abate the nuisance as herein defined, in accordance with the terms hereof, the owner of the property involved shall be obligated to reimburse the municipality or the Authority for all expenses incurred by as a result of such abatement. (Ord. 1984-1, 11/12/1984, §10)

Part 3
Bradford Township Sewage District

§301. Consolidation of Sewer Districts. All previously enacted Sewage Districts, numbered one (1) through five (5) are hereby consolidated into one district to be known as "The Bradford Township Sewage District". (Ord. 1985-2, 12/23/1985, §1)

§302. Sewer Rental Charges.

1. Imposition of Sewer Rental Charges All owners of property connected or connecting with the sewer lines and the public sewage system, and all of the owners of property who may hereafter connect with and use the same shall pay uniform sewer rentals or charges of twelve dollars and fifty cents (\$12.50) per equivalent domestic unit (EDU) per month for the use of such sewage facilities. An amount of one dollar (\$1.00) per EDU per month of the monthly user rental charge shall be placed in a capital reserve fund to be established by the Supervisors. Tap-ons for new sewer connections shall be charged in the amount established by resolution of the Board of Supervisors payable as provided in the Rules and Regulations.

2. Payment of Charges; Penalty for Late Payment - Sewer rentals or charges shall be paid monthly in accordance with Township billings for sewage services.

All sewer rentals or charges shall be paid on or before the last calendar day of the current month. If not so paid, the rental or charge shall be delinquent after the fifth day of the following month.

All sewage service charges which become delinquent shall be subject to a late charge of one and one-quarter percent (1 1/4%) per month on the unpaid balance thereof.

3. Unpaid Charges Constitute Lien - The owner or owners of the premises are responsible for the payment of all sewer rentals or charges assessed against the premises. The sewer rental or charge together with penalties and interest as permitted by law shall be a lien on the properties charged with payment thereof, from the effective date of this Part, and if not paid after thirty (30) days' notice, may be collected in any manner provided by law.

4. Industrial and commercial sewer rates shall be as defined in the Rules and Regulations.

5. Sewage collection, transportation and treatment charges shall be imposed by the Rules and Regulations of the Township of Bradford with reference to sewage as are now enacted and as it is hereafter adopted, amended and modified by the Supervisors or by Sewer Rate Resolution Amendments.

(Ord. 1985-2, 12/23/1985, §2; as amended by Ord. of 1/1/1987; and by Ord. 1. §2., 3/13/1989)

§303. Sewage Rules and Regulations.

1. The Supervisors are hereby authorized and empowered to establish rules and regulations governing the use of sanitary and storm sewers, sewer systems and sewage treatment facilities. The rules and regulations shall include without limiting hereby thereto non-domestic waste permit procedure, the regulations and the limitations or prohibition of discharge into the sewage system of certain types, concentrations or volumes of waste which cannot be properly treated or, which would be detrimental to the system, and may treat any other matters affecting the system.

2. The rules and regulations shall be approved, by ordinance of the Supervisors and filed in the office of the Township.

§304. Capital Reserve Fund. The Supervisors shall establish a capital reserve fund to be maintained for use for capital improvements as well as rehabilitation and maintenance of existing sewers.

Said capital reserve fund shall be created and maintained from one dollar (\$1.00) per EDU per month as described in §302(1).

Disbursements of moneys from said fund shall be made at the discretion of the Supervisors by a majority vote of all Supervisors.

§305. Adoption of Rules and Regulations. The Sewer System Rules and Regulations of Bradford Township Sewer System of this Chapter are hereby adopted by the Supervisors. (Ord. 1985-2, 12/23/1985, §5i as amended by Ord. 4-1991, 4/29/1991)

§306. Penalties. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Ord. 1985-2, 12/23/1985, §6; as amended by Ord. 1-89, 3/13/1989i by Ord. 6-96-1, 6/17/1996, §li and by Ord. 4/15/1997, §1)

Part 4
Sewer System Rules and Regulations

A. Definitions

§401 Definitions. Unless the context specifically indicates otherwise, the following words and terms used in the Rules and Regulations shall have the following meanings:

ABNORMAL INDUSTRIAL WASTE – deleted as per Ordinance 2009-01-1

AUTHORITY - the Bradford Township Sanitary Authority situated in McKean County, Pennsylvania.

BOARD - the elected and appointed members of the Board of the Bradford Township Supervisors, as now or hereafter constituted. [Ord. 1991-4]

B.O.D. OF SEWAGE OR INDUSTRIAL WASTE shall designate its "Biochemical Oxygen Demand" and shall mean the quantity of oxygen utilized in the biochemical oxidation of the organic matter in said sewage or industrial waste under standard laboratory procedure in five (5) days at 20 degrees C. (under aerobic conditions), expressed in milligrams per liter by weight. It shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater", cited above.

BRADFORD TOWNSHIP SANITARY SYSTEM - also called SEWER SYSTEM. [Ord. 1991-4]

COMBINED SEWER - a sewer designed to receive both sewage and storm water runoff which has been approved for such purpose.

GARBAGE - solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES – any liquid, or commercial gaseous or water-borne wastes from establishments, as distinct from sanitary sewage.

OCCUPIED BUILDING - any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, or from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged. [Ord. 1991-4]

PERSON - shall include natural persons, partnerships, associations and corporations, public or private.

pH - the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the latest edition of "Standard

Methods for the Examination of Water and Wastewater" published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

PREMISES ACCESSIBLE TO THE PUBLIC SANITARY SEWAGE SYSTEM - any real estate abutting on or adjoining or having access to any street, alley or right-of-way in which a sewer is located which ultimately connects to the public sanitary sewage system.

PROPERLY SHREDED GARBAGE - the wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles will be carried freely under the flow-conditions normally prevailing in public sewers, with no particle greater than ~" in any dimension.

PUBLIC SANITARY SEWAGE SYSTEM (also referred to as Bradford Township Sanitary Sewer System) - shall mean all sanitary or combined sewers, all pumping stations, all force mains, all sewage treatment works, and all other sewerage facilities owned, leased, operated or otherwise used by' or serving the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances, and any additions or improvements thereto. It shall also include sewers within the Authority's service area which serve one or more persons and discharge into the public sanitary sewerage system even though those sewers may not have been constructed by the Authority and are not owned or maintained by the Authority. It does not include separate storm sewers or culverts which may have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the sewage treatment facilities serving the Authority. [Ord. 1991-4]

SANITARY SEWAGE - the normal water-carried household and toilet wastes from residences, business buildings, institutions, industrial and commercial establishments, exclusive of storm water runoff, surface water or ground water.

SANITARY SEWER - a sewer which carries sewage and to which storm, surface and ground waters are not intentionally admitted.

SEWAGE a combination of water-carried wastes from residences, business buildings, institutions, and industrial and commercial establishments, together with such ground, surface or storm water as may be present.

SEWER - a pipe or conduit for carrying sewage.

STORM SEWER - a sewer which is intended to carry storm water runoff, surface waters, ground water drainage, etc., but which is not intended to carry any sanitary sewage or polluted industrial waste.

STORM WATER RUNOFF - that portion of the rainfall which reaches a channel, trench, sewer or sink.

SUSPENDED SOLIDS - solids that either float on the surface or are in suspension in water, sewage, industrial waste or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the latest edition of "Standard Methods for the Examination of Water and Wastewater", cited above.

UNPOLLUTED WATER or WASTE - any water or waste containing none of the following: free or emulsified grease or oil; pH less than 6.) or greater than 9.0; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 750. milligrams per liter by weight of dissolved solids of which not more than 250 milligrams per liter shall be as chloride and not more than 10 milligrams per liter each of suspended solids and BOD. The color shall not exceed 5 color units. Analyses for any of the above mentioned substances shall be made in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", cited, above.

WATER AUTHORITY - any publicly or privately owned duly authorized agency, corporation or organization which is the approved purveyor of the public water supply within the limits of the Authority's service area.

"Shall" is mandatory; "may" is permissive •.

(Res. 85-15, 12/23/1985, §§101-123; as amended by Ord. 1991-4, 4/29/1991)

B. Connections

§402. Occupied Buildings Now Erected in the Service Area. All persons owning any occupied building now erected within the Bradford Township Sanitary System service area which premises meet the definition under §401 shall, at their own expense, make connection with the public sanitary sewage system in accordance with the applicable Connection Ordinance in effect in the Townships service area, if they are not presently so connected and if the principal building is within one hundred fifty (150) lineal feet of the public sanitary, sewer system. Any presently unoccupied building shall be connected before occupancy will be permitted. (Res. 85-15, 12/23/1985, §201; as amended by Ord. 1991-4, 4/29/1991)

§403. Occupied Buildings Subsequently Erected in the Service Area.

All persons owning any premises within the Bradford Township Sanitary System service area accessible to the public sanitary sewage system upon which an occupied building is subsequently erected shall, at the time of erection of such building and at their own expense, make connections within the public sanitary sewage system in accordance with the applicable Connection Ordinance in effect in the systems service area. (Res. 85-15, 12/23/1985, §202; as amended by Ord. 1991-4, 4/29/1991)

§404. Occupied Buildings Accessible to the Sewage System. All persons owning any occupied building within the Authority's service area upon premises which subsequently become accessible to the public sanitary sewage system shall, at their own expense, make connection with the public sanitary sewage system within the time period stipulated after proper notice to do so has been given in accordance with applicable law. (Res. 85-15, 12/23/1985, §203) . --

§405. Requirements for Connection. All connections to the public sanitary sewage system shall be made in accordance with Subpart I hereof. (Res. 85-15, 12/23/1985, §204)

§406. Prohibited Receptacles. No privy vault, cesspool, septic tank, mine hole or similar receptacle for human excrement shall presently or at any time hereafter be connected with the public sanitary sewage system. After connection with the public sewer, all such receptacles shall be filled in accordance with specifications provided by the Township. (Res. 85-15, 12/23/1985, §205; as amended by Ord. 1-89, 3/13/1989) --

§407. Petition and Review. All persons owning an occupied building meeting the requirements under §402 , except that the principal building is in excess of 150 lineal feet from the public sanitary sewer system, may petition the Township to extend the public sanitary sewer system to within 150 lineal feet of the principal dwelling. The Authority shall review each such request on its individual merits and the decision of the Authority shall be final. In the event the Authority determines that it will not

* Ord. 1991-4 read "fee."

extend the public sanitary sewage system to the principal building the owner may request permission from the Authority to extend said line the entire distance from the public sanitary sewage system to the principal building at the expense of the owner. The Authority may, at any time, extend the public sanitary sewage system to within 150 lineal feet of the principal building and, therefore, require connection to the system. (Res. 85-15, 12/23/1985, §206)

C. Exclusion of Storm Water Runoff

§408. Discharge/prohibited. The discharge of storm water sanitary sewers is prohibited. (Res. 85-15, 12/23/1985, §301)

§409. Excluding of Storm Water Runoff. All persons connecting or 'connected to the public sanitary sewage system shall provide adequate means for excluding storm water runoff in the event the connection is made to a sanitary sewer. (Res. 85-15, 12/23/1985, §302)

§410. Connection of Roof Drain or Foundation Drain Prohibited. No person connected to a sanitary sewer shall connect any roof drain or foundation drain thereto or permit any such drains to remain connected thereto, nor shall he permit, allow or cause to enter into any sanitary sewer any spring water, ground water or surface water from any other source. (Res. 85-15, 12/23/1985, §303)

§411. Discharge to Natural Watercourses. The provisions of these Rules and Regulations do not prohibit the present or future discharge of storm water runoff storm sewers or to natural watercourses within the Authority's service area. (Res. 85-15, 12/23/1985, §304)

D. Admission of Industrial Wastes to Public Sanitary Sewage System

§412. Discharge of Industrial Wastes. The economy and desirability of the combined treatment of industrial wastes and sanitary sewage is recognized. In general, any and all industrial wastes may be discharged to the public sanitary sewage system except those which are deemed harmful to the system or are specifically prohibited by these Rules and Regulations. However, it is also recognized that the treatment of abnormal industrial wastes may add to the cost of operating and maintaining the public sanitary sewage system. Such additional cost must, therefore, be borne by the person or persons receiving the benefit of such treatment. (Res. 85-15, 12/23/1985, §401)

§413. Deleterious Industrial Wastes. The Authority reserves the right to refuse connection to the public sanitary sewage system for deleterious industrial wastes, or to compel discontinuance of the use of the system for such wastes, or to require pretreatment and/or equalization to flow thereof in order to prevent harmful or adverse effects upon the system. The design, construction and operation of such pretreatment and/or flow equalization facilities shall be made at the sole expense of the person discharging said wastes and shall be subject to the approval of the Board or its designated representative. (Res. 85-15, 12/23/1985, §402)

§414. Industrial Waste Considered Harmful When Causing Certain Effects deleted as per Ord. 2009-01-1, Ord. 2009-01-2

§415. Manholes and Metering Chambers to be Installed. When required by the Board any person discharging to the public sanitary sewage system any industrial wastes, or industrial wastes and sanitary sewage together, shall install a suitable manhole or manholes or metering chamber on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Such manhole or manholes or metering chamber shall be accessible and safely located and shall be constructed in accordance with plans approved by the Board or its designated representative. The manhole or manholes or metering chamber shall be installed by such person at his expense and shall be maintained by

(18, §415, cont'd)

(18, §415, cont'd)

him so as to be safe and accessible to the Board or its designated representative at all times. The construction and maintenance of such manhole or metering chamber shall be mandatory for the producers of abnormal industrial waste, and if deemed necessary by the Board, flows from such manhole or metering chamber shall be continuously monitored, . transmitted and recorded by means of an approved receiving device to be located at a facility of or designated by the Board. (Res. 85-15, 12/23/1985, §404)

(18, §416)

(18, §416)

E. Unacceptable Sanitary Sewage and Industrial Wastes deleted as per Ord. 2009-01-1, Ord. 2009-01-2

§416. Discharge of Unpolluted Water or Waste Prohibited. deleted as per Ord. 2009-01-1, Ord. 2009-01-2

§417. Discharge of Garbage Prohibited. deleted as per Ord. 2009-01-1, Ord. 2009-01-2

§418. Permit Required for Discharge of Sanitary Sewage or Industrial Waste. deleted as per Ord. 2009-01-1, Ord. 2009-01-2

§419. Discharge Prohibited When Certain Characteristics are Present. deleted as per Ord. 2009-01-1, Ord. 2009-01-2

(18, §419, cont'd)

Deleted as per Ord. 2009-01-1, Ord. 2009-01-2

(18, §419, cont'd)

F. Sewage Collection, Transportation and Treatment Charges

§420. Collection, Transportation and Treatment Charges. There is imposed upon the owners of, or the users of water in or on, all properties served by the public sanitary sewage system, sewage collection, transportation and treatment charges for the use of said system, payable in the amount and as provided in the Sewer Rate Resolution and as it is hereinafter from time to time adopted, amended, and modified, by the Board. Said owners and users will be jointly and severally liable for the payment of said sewage collection, transportation and treatment charges and the penalties therein prescribed for delinquent payment & thereof. (Res. 85-15, 12/23/1985, §601)

§421. Billing. All bills for sewage collection, transportation and treatment charges shall be due when rendered and shall be subject to the penalty provisions set forth in §429. Owners and, where adequate arrangements have been made with the Authority, users will be billed periodically for the sewage collection, transportation and treatment charges in accordance with the billing practices of the Authority. (Res. 85-15, 12/23/1985, §602)

§422. Billing According to Equivalent Domestic Units. The Authority's sewage collection, transportation and treatment charges shall be billed according to number of Equivalent Domestic Units (EDU's) as determined by the following formulas: (emp. = employees; GPD = gallons per day) . (Re s. 85 - 15, 12 1 231 1 985, § 603)

Residential (each having its own kitchen)	1 EDU
Industries*	No. of emp. X 35 GPD each divided by 350 gal/EDU =
Commercial	No. of emp. X 35 GPD each divided by 350 gal/EDU=
Restaurants	No. of seats X 10 GPD/each divided by 350 GPD X 3 turnovers/day=
Warehouse	No. of emp. X 35 GPD each divided by 350 gal/EDU=
Office	No. of emp. X 10 GPD/employee divided by 350 GPD=
Church	No. of seats X 3 GPD/seat divided by 350 gal/EDU=
Beauty Salon/Barber Shop	No. of emp. X 35 GPD each divided by 350 gal/EDU=
Stores (including grocery)	No. of emp. X 35 GPD each divided by 350 gal/EDU=
Schools (no cafeteria or showers)	No. of emp. + No. of students X 10 GPD divided by 350 GPD=

(18, §422, cont'd)

Schools (with showers and cafeteria)
Laundries
Hospitals and Rest Homes
Hotels/Motels
Theaters

(18, §422, cont'd)

No. of emp. + No. of students X 13 GPD divided by 350 GPD=
No. of washing machines X 400 GPD divided by 350 GPD=
No. of beds X 250 GPD divided by 350 GPD=
No. of rooms X 50 GPD divided by 350 GPD=
No. of seats X 5 GPD divided by 350 GPD=

* May also use metered water usage

The Authority may, if it deems advisable, elect at some time in the future to impose in whole or in part the sewage collection, transportation and treatment charges on such other basis as it may determine. when water usage is used as the basis for said charges, the volume of water to be used for building purposes shall be based on water meter readings of the Water Authority or in the absence of such readings, upon estimates made by the Authority, or according to the applicable formula above as will be determined by the Authority.

(Res. 85-15, 12/23/1985, §603)

§423. Use of Meter; Flat Rate Charge. When water usage is used as the basis of charges, then if an owner or user obtains part or all of the water used in or on a property from sources other than the Water Authority, such owner or user shall, after written approval from the Authority, at no expense to the Authority or the Water Authority, install and maintain a water meter or meters satisfactory to the Authority and the Water Authority for measuring all water used other than that obtained from the Hater Authority, and the quantity of water used to determine the sewage collection, transportation and treatment charges shall be the quantity of water measured by all such meters plus the quantity of water obtained from the Hater Authority. In lieu of such additional meters, the Board may establish under the Sewer Rate Resolution a flat rate charge which shall be applicable to such non-metered water usage. (Res. 85-15, 12/23/1985, §604)

§424. Installation of Additional Meters; Charge Based on Quantity of Water Usage. When water usage is used as the basis of charges, then if it is established to the satisfaction of the Board that a portion of the water used in or on any property served by the public sanitary sewage system does not and cannot enter said system, and in the event that the total water used in or on said property exceeds 100,000 gallons per quarter, the Board may determine, in such manner and by such method as it may deem practical, the percentage of the water entering the public sanitary sewage system, or the Board may require or permit the installation of additional meters in such manner as to determine either the quantity of water excluded from the public sanitary sewage system or the quantity of water, sewage or industrial waste actually entering the public sanitary sewage system, exclusive of storm water runoff. In such case, the sewage collection, transportation

and treatment charge shall be based upon the quantity of water estimated, measured or computed by the Board to be actually entering the public sanitary sewage system, exclusive of storm water runoff. (Res. 85-15, 12/23/1985, §605)

§425. Request for Reduction of Charges. When water usage is used as the basis of charges, then any person requesting consideration for a reduction of the amount of the sewage collection, transportation and treatment charges because of water not entering the public sanitary sewage system shall make written application to the Board for such consideration, giving the name of such person, his address and setting forth supporting data fully describing other sources of water, if any, as well as the disposition of water alleged not to be entering the public sanitary sewage system. The application shall be accompanied by a sketch to approximate scale showing the plan of the property, the water distribution system, sewer layout, existing meters, and proposed meters in the scheme to determine the quantity of flow entering, or not entering, the public sanitary sewage system. The cost of furnishing, installing and maintaining any meters other than those utilized to measure water purchased from the Water Authority shall be borne by the applicant. The type, size, location, arrangement and maintenance of such meters shall be subject to the approval of the Board and the Water Authority. (Res. 85-15, 12/23/1985, §606)

G. Surcharge for Certain Industrial Wastes

§426. Surcharges to Cover Additional Charges for Treatment. Although the sewage treatment works is capable of treating certain abnormal industrial wastes as heretofore defined in Subpart A, the actual treatment of such wastes may increase the cost of operating and maintaining the public sanitary sewage system operated by the City of Bradford which said City may surcharge the Authority. Accordingly, there will be imposed upon each person discharging such industrial wastes into the public sanitary sewage system a surcharge or surcharges which are intended to cover such additional costs as may be levied by said City. Said surcharges may be in addition to the regular sewage collection, transportation and treatment charges as set forth in the sewer rate resolution of the Authority and shall be payable as herein provided. (Res. 85-15, 12/23/1985, §701)

§427. Surcharge Rates. In addition to the total annual service fees levied, there shall be payable to the Authority on and after the first day of January of each year, a surcharge rate for each calendar quarter during which the combined wastes passing through the above described metering manholes or stations, shall exceed the following limits:

(ppm = parts per million)

Suspended Solids	230 ppm
Chlorine Demand	50 ppm
5 Day 20 Degree C – B.O.D.	250 ppm
Grit & Mineral Solids (sand, ashes, etc. which would not be conveyed along the sewers by the velocity of sewage flow)	14 ppm

The surcharge rate shall be as follows:

For each part per million (ppm) of suspended solids, chlorine demand, biochemical oxygen demand (B.O.D.) or grit and mineral solids in excess of the quantity stated above, the user shall pay an additional charge equaling 25% of the sewage treatment portion of the users total annual invoice for services rendered. It is recognized that the annual charges for sewage treatment will vary from year to year depending upon the cost of operating the sewage treatment plant by the City of Bradford. The analysis of the sewage for purposes of this surcharge, shall be made by the Authority in strict accordance with the standard procedures set forth in the "Standard Methods for the Examination of Water, Sewage and Industrial Wastes", published by the A.P.H.A., AWWA and F.S.I.W.A. and all supplements thereto.

(Res. 85-15, 12/23/1985, §702)

(18, §428)

(18, §428)

H. Billing and Collection

§428. Mailing and Delivery of Bills and Notices. Bills and notices relating to the sewage collection, transportation and treatment charges and surcharges will be mailed or delivered to the property owner's last address, or where proper arrangements have been made with the Board, to the user's last address, as shown on the billing books of the Board. (Res. 85-15, 12/23/1985, §801)

§429. Payments and Late Charges. Sewage Collection, transportation and treatment charges shall be due on the first day of the month, during which service was rendered. Fee for said service shall be at par value from the 1st to the 20th day of the month during which service was rendered, payments made thereafter shall be assessed a penalty in addition to the amount past due, said penalty shall be in accordance with the Sewer Rate Resolution. Beginning the 1st day of the month after the month's service was rendered, a late charge of one and one-quarter percent (1 1/4%) on the unpaid balance shall be assessed. (Res. 85-15, 12/23/1985, §802)

I. Connections to System

§430. Application to be Made Upon Permit Form. Application for connection to the public sanitary sewage system shall be made to the Board upon the permit form furnished by the Board. (Res. 85-15, 12/23/1985, §901)

§431. Information to be Furnished by Applicant. All information requested on said form shall be furnished by the applicant, including the character and use of each structure located upon the property. (Res. 85-15, 12/23/1985, §902)

§432. Tap Connection and Inspection Fee. Any required tap connection and inspection fee shall be paid at the time of making application for permission to make a connection unless otherwise approved by the Board, however, said fee must be paid within three (3) months of the date of application. (Res. 85-15, 12/23/1985, §903)

§433. No Work to be Commenced Before Payment of Fee. No work shall commence before the payment of any aforementioned tap connection and inspection fee and issuance of the aforementioned connection permit. (Res. 85-15, 12/23/1985, §904)

§434. Separate Connections; Tap Connection and Inspection Fees Required. Unless written permission is obtained from the Board, separate connections, and corresponding tap connection and inspection fees, will be required for each individual occupied building. Whether constructed as a detached unit or as one of a pair or row, but a single connection with payment of the tapping fees for the appropriate number of actual units (EDU's) served will be permitted to serve a school, factory, apartment house or other permanent multiple unit (EDU) structure whose individual apartments or units may not be subject to separate ownership. (Res. 85-15, 12/23/1985, §905)

§435. Connections to be Completed Within 60 Days. Connections to sanitary sewers shall be completed within 60 calendar days after receipt of written notice to connect. (Res. 85-15, 12/23/1985, §906)

§436. Connections Subject to Certain Restrictions. All connections to the sanitary sewers shall be subject to certain restrictions as to unacceptable sanitary sewage which are set forth herein in Subpart E. (Res. 85-15, 12/23/1985, §907)

§437. Inspector to be Given 24 Hours' Notice Prior to Connection.

The designated inspector of the Board shall be given at least twenty-four (24) hours' notice of the time when such connection shall be made in order that said inspector can be present to inspect and approve the work of connection. It shall, however, be the responsibility of the Authority to make actual connection to the public sanitary sewage system. The inspector shall signify his approval on the aforementioned connection permit in the possession of the permittees. (Res. 85-15, 12/23/1985, §908)

§438. Inspector Permitted to Full and Complete Access. At the time of inspection of the connection, the owner or owners of properties shall permit the inspector full and complete access to all sanitary and drainage arrangements and facilities in each building and in and about all parts of the property. No building sewer line shall be covered over, or in any manner concealed, until after it is inspected and approved by said inspector., (Res. 85-15, 12/23/1985, § 909)

§439. Entire Connection to be Complete at One Time. It is the intention of these Rules and Regulations that the entire connection be inspected at one time; however, if the property owner feels that special conditions warrant more than one inspection, he may request the same subject to such additional inspection as the Board shall determine. (Res. 85-15, 12/23/1985, §910)

§440. Specifications for Installed Pipe. All pipe installed shall be polyvinyl chloride (PVC) or cast iron pipe of the kind and quality hereinafter specified of at least four inches (4") inside diameter. Where the ground is firm and provides a good foundation, PVC pipe may be used. On filled ground or ground which is not firm, cast iron pipe shall be used. The PVC pipe shall be SDR 35-, gravity sewer pipe and the cast iron pipe shall be American National Standard Institute (ANSI) Spec. A21. 6. Each section of pipe shall be stamped with the manufacturer's certification. PVC pipe shall be furnished with elastomeric gasket joints conforming to ASTM D-1869. All joints for cast iron pipe shall be made with rubber gaskets conforming to ANSI Spec. A21.11!AWWA Spec. C111. (Res. 85-15, 12/23/1985, §911)

§441. Pipe Installed According to Manufacturer's Recommendations.

All sewer pipe shall be installed in strict accordance with the manufacturer's recommendations. Where rock trench foundation exists, a four inch (4") gravel cradle shall be provided under the pipe. (Res. 85-15, 12/23/1985, §912)

§442. Laying of Pipe. All pipe shall be installed with a minimum slope of one-quarter inch a ") per foot and a minimum cover of three and one-half feet (01') except in surfaced areas in which pipe shall be buried a minimum of four and one-half feet (41'). All pipe shall be laid to an even grade with full and even bearing and no block supports 1will be allowed. Bell holes shall be dug to allow sufficient space to properly make each joint. Backfill shall be tamped uniformly around the pipe. All work shall be done in a workmanlike manner and shall provide a durable installation. All pipes shall be pneumatically tested for leakage by the Board in a manner determined appropriate by the Board and approval of the pipe by the inspector will not be given if the pipe does not meet standards approved by the Board. (Res. 85-15, 12/23/1985, §913)

§443. Commercial Installations. Commercial installations must also comply with all local construction regulations. (Res. 85-15, 12/23/1985, §914)

§444. Maintenance and Repair. Maintenance and repair of all building sewers placed by the owner shall be the responsibility of the property owner. (Res. 85-15, 12/23/1985, §915)

J. Proposed Extensions of System by Developers

§445. Design of Sanitary Sewer Systems. All public sanitary sewer systems shall be designed in accordance with the Sewage Manual of the Pennsylvania Department of Environmental Resources (DER), Division of Sanitary Engineering and these Rules and Regulations, latest edition, or amendment of each. Prior to construction of any public sanitary sewer system applicable State permits must have been issued to the Authority. The Authority shall submit all required drawings, specifications, applications and any other documentation necessary for the State permits to be issued to the Authority. It shall be the responsibility of the developer to pay the Authority for all costs attributable to applying for said permits. The Authority will provide to the developer a written estimate of costs to apply for obtaining said permits and developer will pay to the Authority said amount prior to the Authority beginning necessary work to obtain State permits. Should the Authority's cost to apply for the necessary permits exceed the estimate as indicated by duplicates of monthly invoices submitted to the developer at his designated address, the developer will pay such additional costs and expenses as are necessary to obtain necessary permits. Authority guarantees in no way that the permits for the construction will be issued, in which event no cost paid by the developer shall be returned. (Res. 85-15, 12/23/1985, §1001)

§446. Record Drawings Required. Prior to final acceptance of any public sanitary sewer extension by the Authority, it will be necessary that the Authority prepare "Record Drawings" showing the angle and distance between manholes, the top and invert elevation of each manhole and the exact location of all lateral connections or wyes relative to the nearest manhole both downstream and upstream. The "Record Drawings" will be prepared by the Authority and shall be paid for by the developer. (Res. 85-15, 12/23/1985, §1002)

§447. Easements. Easements shall be obtained by the developer in the name of the Authority and recorded at the county courthouse in Smethport, Pennsylvania. All costs incurred to obtain and record said easements shall be borne by the developer. Any costs incurred by the Authority, should the developer request assistance from the Authority in obtaining required easements, will be the responsibility of the developer. (Res. 85-15, 12/23/1985, §1003)

§448. Handling, Placing and Jointing of Pipe. The installation of sewers shall start at the lower end of the line and proceed upstream so that the spigot ends point in the direction of flow. The pipe shall be carefully laid to line and grade. The handling, placing and joining of the pipe shall be in strict accordance with the pipe manufacturer's recommendations. (Res. 85-15, 12/23/1985, §1004)

§449. Construction of Manholes. All manholes shall be constructed in accordance with the standards established by the Board. Frames and covers for all manholes shall be fabricated of cast iron and shall conform to the standards established by the Board. Vented covers shall be furnished at the ends of lines. (Res. 85-15, 12/23/1985, §1005)

§450. Sewers to be Tested at the Discretion of the Board. Sewers shall be hydrostatically, pneumatically, and/or smoke tested for leakage at the discretion of, and in the manner required by, the Board at the expense of the developer. The testing shall take place in the presence of a representative of the Board, cost of which will be paid by the developer. (Res. 85-15, 12/23/1985, §1006)

§451. Developer to File Permits and Pay Fees. The developer shall file all necessary connection permits and pay the applicable tap connection and inspection fee for each house or building to the Board which shall become due and payable prior to inspection and approval by the inspector for each respective house service sewer. (Res. 85-15, 12/23/1985, §1007)

§452. Developer to Pay in Advance for Costs of Inspection. The developer shall also pay in advance to the Board in full for all costs of inspection of construction of all sanitary sewers. The amount and type of inspection required shall be determined by the Board during construction. (Res. 85-15, 12/23/1985, §1008)

§453. Approval of Sewer Extensions by the Board. No sewer extensions constructed by a developer will be approved for use and acceptance by the Board until said sewers are formally approved by the Board, all building tap connection and inspection fees have been paid for each building connected to the system, and the Board has been reimbursed in full for all inspection costs incurred by the inspector during construction, testing and approval. (Res. 85-15, 12/23/1985, §1009)

(18, §461)

(18, §461)

K. Deleted per Ordinance 2011-08-22

L. Delinquencies, Violations and Remedies.

§471. Charges, Surcharges and Penalties Imposed. Each sewage collection, transportation and treatment charge, surcharge and penalty imposed by the Sewer Rate Resolution of the Authority shall be a debt due the Authority and shall be a lien on the property served, and if not paid within the period prescribed in the Sewer Rate Resolution after the date of the bill shall be deemed delinquent. In such event, the Board shall proceed to file a lien in the office of the Prothonotary of McKean County and collect the same in the manner provided by law for the filing and collection of municipal claims. (Res. 85-15, 12/23/1985, §~101)

§472. Penalties. Please see Chapter 1, Part 6, "Ordinance Enforcement Procedure." (Res. 85-15, 1±2/23/1985, §1002; as amended by Ord. 1-89, /13/1989; by Ord. 6-96-1, 6/17/1996, §1; and by Ord. 4/15/1997, §1)

M. Industrial Pretreatment Program Enforcement Response Plan

§473. ENFORCEMENT RESPONSE PLAN DEVELOPMENT

This Enforcement Response Plan (ERP) and the concepts herein are based, to a large extent, on EPA's *Guidance for Developing Control Authority Enforcement Management Plans* (September 1989), and EPA Region III's *The Enforcement Management System* (1989). The enforcement of the provisions of the pretreatment program by the Bradford Sanitary Authority (BSA) shall generally be guided by the information and procedures presented in this document. This document supersedes any other enforcement provisions set forth in BSA's approved pretreatment program.

While this ERP is directed towards the objective of assuring industrial user compliance with applicable pretreatment requirements, the process of meeting these objectives are to be flexible and dynamic. This ERP establishes a system for identifying priorities, and, consistent with the approach contained in EPA Region III's *The Enforcement System*, directing the flow of enforcement actions based on these priorities and available resources based upon the approved pretreatment budget. This ERP has been developed for the internal use of BSA and, to the extent allowed by law, is not intended to limit the enforcement discretion of BSA.

Enforcement may take place when a violation of program requirements occurs. Such a violation may occur in several ways. For example, an SIU may violate a local limit, a Best Management Practice (BMP), or the terms of its industrial user permit. Once a violation is detected and the perpetrator identified, an enforcement response may ensue. Such evaluation need not be formalized in writing; it may be based upon the decision-maker's general understanding of the concepts herein and any other relevant factors.

§ 474. PERSONNEL

Personnel responsible for initiating enforcement response(s) shall be the Director of Operations in conjunction with the Authority Board, as necessary. However, this does not restrict enforcement action by others. As deemed appropriate by BSA, other personnel may be responsible, on a case-by-case basis, to initiate an enforcement response or otherwise respond to industrial user noncompliance.

In addition to the above identified person(s), BSA may obtain pretreatment implementation/ enforcement support from legal counsel, the Authority Engineer, or others as deemed appropriate.

BSA may seek the support of the Authority Solicitor, City Solicitor, and/or Special Counsel as deemed appropriate by BSA. Activities in which legal counsel may be sought include enforcement actions, interpretation of sewer use ordinance, interjurisdictional agreement, and ERP guide, development of notice of violations and administrative orders, fines, court actions, etc.

Activities in which engineering support may be sought include technical guidance on local limit development, inspection/enforcement matters, and other support functions to BSA.

§ 475. RANGE OF ENFORCEMENT ACTIONS

Types of noncompliance from BSA's industrial users are listed in Table 1. The enforcement responses shown are intended to provide a range of responses to address varying causes and degree of noncompliance. Judgment will be used by BSA in establishing case-by-case enforcement responses.

The following factors, among others, may be taken into consideration when assessing an enforcement action on an industrial user:

- ❖ Magnitude of the violation
- ❖ Duration of the violation
- ❖ Whether the violation is continuous or intermittent
- ❖ Potential or actual effect of the violation on the receiving water
- ❖ Potential or actual effect of the violation on the POTW
- ❖ Compliance history of the industrial user
- ❖ "Good faith" of the industrial user
- ❖ Potential defenses
- ❖ Other factors as justice may require

This ERP provides a process for reviewing and screening industrial user violations to assure that enforcement resources are concentrated on the most serious violations. For purposes of publication of noncompliance, the ERP places priority on response to instances of industrial user significance noncompliance (SNC) by SIUs.

Notwithstanding the priority placed on SIU SNC, it is recognized that it may be appropriate for BSA to exercise enforcement discretion even if SIU noncompliance meets the SNC criteria (e.g., a wastewater discharge permit limit is being modified or otherwise corrected; industrial user noncompliance with a wastewater discharge permit condition which is subject to a special agreement and/or waiver under BSA's Rules and Regulations and/or contributing jurisdiction agreement; industrial user provided incorrect interpretation of regulation by EPA, state, or other official; pending changes to BSA's pretreatment program which would have authorized the user activity; and other good cause).

§ 476. TIME FRAME FOR ENFORCEMENT ACTIONS AND FOLLOW UP

The compliance status of IUs will be assessed within thirty (30) days of receipt of a report. As an enforcement response, adjustments in sampling/inspection of industrial users may be made based on the relative compliance of those users. For instance, sampling/inspection frequencies may be imposed/increased beyond those previously imposed for users that have been found to have compliance problems.

Generally, the time frame for responses will be based upon the nature of the violation. Except as otherwise provided for good cause, an enforcement response will usually be initiated within thirty (30) days after the BSA required evaluation of industrial user noncompliance information.

As a goal, implementation of the ERP is to work towards responding to instances of industrial user noncompliance in a manner similar to that undertaken by EPA where EPA is the Control Authority as defined in 40 CFR 403.12(a) and by the Commonwealth of Pennsylvania in implementing similar permit programs (e.g., NPDES program). Such an approach would promote national and state consistency and provide BSA the opportunity to draw upon the experience of its federal and state partners in the implementation of a pretreatment program.

§ 477. USE OF ERP

At all times, enforcement actions will be undertaken consistent with such provisions as set forth in BSA's approved pretreatment program. To ensure this, the Authority Solicitor, City Solicitor, Township Solicitor, or other legal counsel, as applicable, may be consulted by BSA when questions regarding enforcement arise.

§ 478. ENFORCEMENT RESPONSES

As all circumstances cannot possibly be foreseen, these guidelines allow a certain amount of flexibility in determining what enforcement actions are to be taken. Such factors as a violator's history of compliance, degree of noncompliance, the deterrent value of an action, amount of cooperation shown by the industrial user, fairness, equity, and extenuating circumstances all can affect an enforcement decision.

Unless otherwise provided by law, the use of one enforcement option by BSA does not preclude another enforcement response; i.e., the enforcement actions listed below are not mutually exclusive.

All of the following enforcement responses will be initiated under the supervision of the BSA Director of Operations. In addition, written records of notifications, meetings, hearings, etc. will be made and entered into the IU's file.

1. Telephone Contacts (PC)

A telephone call to an industrial user plant official (e.g., plant manager or environmental coordinator) may be used to address violations, usually of a minor nature. The telephone call could serve to notify the industrial user that BSA is concerned about the violation, to obtain an explanation, and to suggest that subsequent violations of the same type may be dealt with more severely.

2. Meeting or Verbal Notice of Violation (MTG)

An impromptu or informal meeting with an industrial user (e.g., plant manager or environmental coordinator) may be used to address violations, usually of a minor nature. The meeting (which can take place during a sampling or inspection visit) could serve to notify the industrial user that BSA is concerned about the violation, to obtain an explanation, and to suggest that subsequent violations of the same type may be dealt with more severely.

3. Increased Monitoring and/or Reporting (IM)

Monitoring at a frequency beyond that currently imposed (i.e., SIU twice/year self-monitoring and POTW once/year monitoring) may be used as a means to address discharge or other violations of industrial users that have demonstrated a history of noncompliance. Similarly, SIU reporting beyond that currently imposed (i.e., twice/year) may be used as an enforcement response. The increased surveillance of an industrial user associated with increased monitoring and reporting may provide a powerful incentive for the industrial user to return to compliance.

As BSA deems appropriate, the industrial user could be required to undertake the increased monitoring or it can be undertaken by BSA. If undertaken by BSA, costs of the increased monitoring may be charged to the industrial user. Given the significant expense involved in monitoring, the increased costs to the industrial user would serve to deter future violations.

Monitoring and/or reporting beyond that currently imposed as an enforcement tool can be required as a permit condition upon issuance of the industrial user wastewater discharge permit, by modification of the industrial user permit, or in conjunction with another enforcement response, as appropriate. Furthermore, a permit condition contained in an industrial user wastewater discharge permit at the time of its issuance or reissuance may provide, as an enforcement response, for the automatic increase in monitoring and/or reporting if a specified level of noncompliance occurs.

4. Modification of the Industrial User Permit to Include Additional Monitoring/Sampling, Reporting, Effluent Limitations, or to Provide for Permit of Short Duration (MOD)

Increased monitoring/sampling requirements (e.g., use of continuous monitoring equipment) and/or reporting beyond that currently imposed may be used to address discharge or other violations of industrial users that have demonstrated a history of noncompliance.

Additional effluent limitations (e.g., daily maximum for industrial users that have monthly average requirements) may provide the industrial user the necessary incentive to avoid permit violations, particularly those associated with significant fluctuations in discharge activities. Permit modification can also be used as a vehicle to change any incorrect or unnecessary permit conditions.

Furthermore, the permit renewal process provides an opportunity to evaluate an industrial user's treatment and compliance status. Federal regulations provide that SIU permits can be issued for a duration of up to five (5) years. Permits of shorter duration, however, would provide BSA, as an enforcement tool, additional leverage to foster user compliance.

5. Public Notice of Noncompliers (PUB)

Pursuant to federal requirements, a POTW with an appropriately approved pretreatment program would publish, on an annual basis, a list of industrial users whose discharge violations exceed the regulatory criteria established for SNC. BSA also reserves its rights, as an additional enforcement response, to provide public notice of SIU SNC more frequently than once a year or based upon violations which do not meet the minimum SNC regulatory threshold. BSA further reserves its rights to implement other special community awareness steps, as an enforcement response, to deter industrial user noncompliance.

6. Notice of Violation (NOV)

BSA may issue a notice of violation to an industrial user when BSA determines that a user violated, or continues to violate, a provision of the Rules and Regulations, a Best Management Practice, a wastewater discharge permit, enforcement order, or any pretreatment standard or requirement. The NOV will state the nature of the violation, require the user to provide an explanation of the cause(s) for noncompliance, and, where deemed appropriate, require that a plan for correction be submitted. If the plan is acceptable, it will be monitored for compliance.

As described above, BSA issuance of a notice will be required for BSA assessment of penalties pursuant to the terms of the wastewater discharge permit.

7. Show-Cause Hearing (SCH)

BSA may schedule a show-cause hearing with an industrial user when BSA determines that a user violated, or continues to violate, a provision of the Rules and Regulations, a Best Management Practice, a wastewater discharge permit, enforcement order, or any pretreatment standard or requirement. A show-cause hearing notice may require the industrial user to appear before BSA at a show-cause hearing and show why further enforcement action should not be taken. A show-cause hearing is an enforcement action and

its use often illustrates the seriousness of violations so that industrial users are encouraged to comply with BSA requests.

As a result of the show-cause hearing, BSA may direct the IU to come into compliance within a specified period of time, impose additional monitoring requirements, impose additional management practices, or contain such other requirements as deemed necessary to address noncompliance.

8. Compliance Orders (COM)

BSA may issue a compliance order to a user when BSA determines that an industrial user violated, or continues to violate, a provision of the Rules and Regulations, a wastewater discharge permit, a Best Management Practice, enforcement order, or any pretreatment standard or requirement. A compliance order may direct the industrial user to come into compliance within a specified period of time, impose additional monitoring requirements, impose additional management practices, or contain such other requirements as deemed necessary to address noncompliance. Compliance orders are official notifications which may specify actions and deadlines which the industrial user must meet. Compliance orders may incorporate a compliance schedule, or require a schedule be provided by the industrial user.

9. Cease and Desist Orders (CDO)

BSA may issue a cease and desist order to a user when BSA determines that an industrial user violated, or continues to violate, a provision of the Rules and Regulations, a wastewater discharge permit, a Best Management Practice, enforcement order, or any pretreatment standard or requirement, or that the user's past violations are likely to recur. A cease and desist order may direct the industrial user to immediately comply with requirements and to take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation.

10. Civil Penalties (CIV)

Civil penalties for violation of a provision of the Rules and Regulations, a wastewater discharge permit, a Best Management Practice, or pretreatment standard or requirement may be assessed. A determination of the amount of penalty to be sought may be based upon any applicable penalty policy or such other factors as deemed appropriate by BSA.

As discussed above, the assessment of a civil penalty pursuant to the terms of the wastewater discharge permit and/or Authority Rules and Regulations may be Subject to certain limitations. Nothing, herein, however, shall be deemed to preclude BSA from seeking a penalty pursuant to the Publicly Owned Treatment Works Penalty Law, 35 P.S. 752. Act 1992-9, as applicable.

11. Liability Insurance (UA)

If the Authority determines that a user failed to comply with any provisions of the Rules and Regulations, a wastewater discharge permit, a Best Management Practice, enforcement order, or any pretreatment standard or requirement, the Authority may decline to issue or reissue a wastewater discharge permit to such user until the user submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

12. Performance Bond (PB)

If the Authority determines that a user has failed to comply with any provisions of the Rules and Regulations, a wastewater discharge permit, A Best Management Practice, enforcement order, or any pretreatment standard or requirement, the Authority may decline to issue or reissue a wastewater discharge permit to such user until the user submit a satisfactory bond, payable to the Authority, in a sum not to exceed a value determined by the Authority to be necessary to achieve compliance.

13. Injunctive Relief (INJ)

BSA may file a civil suit requesting the court to order ("enjoin") an industrial user to refrain from a specific action (i.e., stop a noncomplying discharge). Injunctive relief may be used when the industrial user has shown that the appropriate measures necessary to achieve or maintain compliance are not likely to be undertaken, or when the danger presented by a noncompliance does not allow lengthy negotiation of a settlement. Injunctive relief may require such actions as installation of facilities needed to come into compliance or a court order for cessation of discharges.

14. Damages (DAM)

BSA may demand damages from the industrial user or sue to recover damages which are caused by an industrial user discharge if the damage is caused, in whole or in part, by the industrial user's violation of a wastewater discharge permit, applicable law, ordinance, regulation, rule or pretreatment requirement, or as otherwise provided by law.

15. Consent Order (CO)

BSA may enter into a consent order or settlement agreement when BSA determines that an industrial user violated, or continues to violate, a provision of the Rules and Regulations, a wastewater discharge permit, a Best Management Practice, enforcement order, or any pretreatment standard or requirement. A consent order or settlement agreement may provide for monetary penalties for past violations, stipulated monetary penalties for future violations, a compliance schedule to achieve compliance, and/or other conditions as deemed appropriate by BSA and/or applicable contributing jurisdictions. The consent order or settlement agreement may be appropriate when the industrial user assumes responsibility for its noncompliance and is willing to correct the cause(s) to potentially avoid additional enforcement action being taken.

It is recognized that various factors may result in BSA settlement or negotiation of a penalty significantly less than the maximum penalty. The factors BSA may consider include, but are not limited to, potential defenses of the industrial user defendant, cost of litigation, the level of penalties obtained by other POTWs in pretreatment enforcement actions, and the range of penalties collected by other POTWs held out by EPA as exemplary or otherwise worthy of praise.

16. Suspension or Revocation of Wastewater Discharge Permit (PR)

Suspension of a wastewater discharge permit may be undertaken when, in the opinion of BSA, such action 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, causes interference with the POTW, or may cause the POTW to violate any condition of its NPDES permit.

Suspension or revocation of a wastewater discharge permit may be undertaken to address violation of conditions of the permit; discharges in violation of the ordinance; failure to reapply for a permit; refusal of reasonable access to the user's premises; failure to report significant changes in operations of the wastewater constituents and characteristics; failure

to factually report and retain records of the wastewater constituents and characteristics; or violation of applicable federal or state regulations.

Failure of the industrial user to comply with a suspension notice may result in the immediate severance of the connection to the sewer system.

Normally, these enforcement measures are reserved for use when other reasonable enforcement measures have proved unsuccessful, or when extenuating circumstances exist which would warrant these more drastic measures.

17. Termination of Water Service (TWS)

Termination of water service may force industrial users to halt production until corrective actions acceptable to BSA are undertaken. Since a halt in production and closure of industrial user facilities may result, it is expected that this enforcement response, if used, would address egregious situations.

18. Termination of Sewer Service (TSS)

Termination of sewer service may force industrial users to halt production until corrective actions acceptable to BSA are undertaken. Since a halt in production and closure of industrial user facilities may result, it is expected that this enforcement response, if used, would address egregious situations.

19. Referral to EPA and/or DEP (REF)

For any instance of noncompliance, BSA, as it deems appropriate, may refer the case to EPA and/or DEP so as to subject the noncomplying industrial user to the penalties available to such agencies under applicable law. BSA may join in the lawsuit or otherwise assist EPA and/or DEP (e.g., provide testimony). In the event of a referral to EPA and/or DEP, BSA will continue its enforcement efforts unless EPA notifies BSA that EPA will take the lead in a particular case.

20. No Action Response (NA)

For some violations, the response may be no action necessary at this time. A decision by BSA not to initiate an enforcement response for industrial user violation(s) does not absolve the industrial user from any liability or damages should BSA, EPA, the Commonwealth of Pennsylvania, or any other person, as appropriate, seek to initiate an enforcement response for such, or any other, violations by the industrial user. In the event that a no action decision is made, the determination of the violation and the no action decision will be documented in the IU's file.

Table 1 sets forth enforcement responses to address industrial user noncompliance. These responses may be modified to apply to each specific case, as deemed appropriate by BSA. The enforcement responses are generally set forth in an order of escalation. Escalation and the time frames for escalation will be determined on a case-by-case basis. What may be an escalated response for one industrial user may not be for another industrial user. For example, permit revocation may be the worst-case scenario for one industrial user, whereas a referral to EPA/DEP may be the worst-case scenario for another user. Instances of intermittent or noncontinuous noncompliance with any pretreatment requirement(s) may be subject to escalated or initial enforcement responses, as deemed appropriate by BSA. Instances of continuous noncompliance where previous enforcement efforts were unsuccessful will be subject to escalated enforcement responses.

§479. INVESTIGATION OF INDUSTRIAL USER NONCOMPLIANCE

BSA intends to use an industrial user monitoring and inspection program to detect and evaluate industrial user noncompliance. The following section briefly describes this program.

SIUs, as defined in 40-CFR 403.3(t), will be issued a wastewater discharge permit and will be inspected and sampled once a year. In addition, each SIU will be required to perform self-monitoring of the effluent once per six month compliance period unless undertaken by BSA. Nothing herein shall preclude BSA from exercising its enforcement authority by requiring or undertaking sampling of SIU discharge on a more frequent basis. Where BSA deems it appropriate, it may exercise its enforcement option by escalating its surveillance of industrial user discharge such that sampling could be required on a monthly, weekly, or even daily basis. Such increased sampling is subject to BSA's sole discretion.

Non-SIUs, in contrast, are not subject to permitting or a minimum amount of sampling, testing, or inspections. BSA, however, reserves its discretion to undertake sampling, testing, and permitting of any of these facilities, as it deems appropriate.

Inspections of SIUs will be performed under the supervision of the BSA Director of Operations by the Plant Superintendent, an agent or representative of the Authority, or others as deemed appropriate, at least once a year. Such inspections should provide BSA the ability to closely monitor the activities of its industrial users. Should potential problems be documented during an inspection, corrective action can be requested by BSA through follow-up procedures. Also, increased attention, further inspections, and sampling can be implemented as a result of these inspections.

TABLE 1
ENFORCEMENT RESPONSE GUIDE

A. Unauthorized Discharges (No Permit)

<u>Noncompliance</u>	<u>Circumstances Involving Infrequent, Non-Continuous, or Isolated Violations</u>	<u>Range of Response</u>	<u>Circumstances Involving Frequent and Continuous Violations</u>	<u>Range of Response</u>
SIU failure to renew permit	Less than 60 days past due	NA, PC, MTG, NOV, COM, CDO (requiring submission of permit application)	More than 60 days past due	NA, PC, MTG, NOV, COM, CDO (requiring submission of permit application), LIA, PB, SCH, INJ, TWS, TSS, DAM, CIV, REF
SIU discharge of wastewater without a permit or approval	Infrequent, non-continuous, or isolated events without known environmental or POTW damage.	PC, MTG, NOV, COM, CDO, or SCM (to require user to make proper application for permit), CO, TWS, TSS, CIV, LIA, PB	Continuous and routine violations (including continuous and routine failure to apply for permit renewal) after notification from BSA	COM, CDO, PUB, LIA, PB, SCH, CO, INJ, TWS, TSS, DAM, CIV, REF

B. Effluent Limits Noncompliance

<u>Noncompliance</u>	<u>Circumstances Involving Infrequent, Non-Continuous, or Isolated Violations</u>	<u>Range of Response</u>	<u>Circumstances Involving Frequent and Continuous Violations</u>	<u>Range of Response</u>
Exceeding final limit (Categorical, Local, or Prohibited Discharge Standard)	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, (may include requirement for user to submit a report detailing the cause(s) of noncompliance, corrective action taken, and measure to be implemented to prevent	Continuous and routine violations	PC, MTG, IM, NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, INJ, PR, DAM, CIV, REF

		reoccurrence), MOD, COM, CDO, PUB		
Exceeding interim limit (Categorical, Local, or Prohibited Discharge Standard)	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, (may include requirement for user to submit a report detailing the cause(s) of noncompliance, corrective action taken, and measure to be implemented to prevent reoccurrence), MOD, COM, CDO, PUB	Continuous and routine violations	PC, MTG, IM, NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, INJ, PR, DAM, CIV, REF
Reported slug load or spill	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, (may include requirement for user to submit explanation and proposed plan to prevent recurrence including compliance schedule), MOD, COM, CDO	Continuous and routine violations	NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, INJ, PR, DAM, CIV, REF

TABLE 1
ENFORCEMENT RESPONSE GUIDE
(Continued)

<u>Noncompliance</u>	<u>Circumstances Involving Infrequent, Non-Continuous, or Isolated Violations</u>	<u>Range of Response</u>	<u>Circumstances Involving Frequent and Continuous Violations</u>	<u>Range of Response</u>
Failure to sample, to monitor, to operate according to Best Management Practices, or to report (routine reports, BMRs, etc.).	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, MOD, COM, CDO (which may establish deadline for submitting information), SCM	Continuous and routine violations	MTG, IM, NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, INJ, PR, TWS, TSS, DAM, CIV, REF
Failure to notify of effluent limit violation detected through self-monitoring (24 hour report).	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, MOD, COM, CDO (which may require resampling if not already scheduled by user)	Continuous and routine violations	PC, MTG, NOV, MOD, PUB, COM, CDO, LIA, PB, SCH, CO, PR, CIV
Failure to resample and report within 30 days when violation detected through self-monitoring.	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, MOD, COM, CDO (which may require resampling if not already scheduled by user)	Continuous and routine violations	IM, NOV, MOD, PUB, COM, CDO, LIA, PB, SCH, CO, PR, INJ, CIV, REF
Failure to notify of projected substantial change in discharge.	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, NOV, MOD, COM, CDO (which may require written plan to prevent failure occurrence), SCM	Continuous and routine violations	NOV, MOD, COM, CDO, LIA, PB, SCH, CO, PR, INJ, CIV, REF

Failure to immediately notify of spill or slug load.	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, NOV, MOD, COM, CDO (which may require corrective action plan)	Continuous and routine violations	NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, CO, PR, INJ, CIV, REF
Minor sampling, monitoring, or reporting deficiencies.	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, NOV, MOD, COM, CDO (which may require corrections to be made on the next submittal)	Continuous and routine violations	PC, MTG, NOV, MOD, COM, CDO (which may require corrections to be made on the next submittal), PUB, SCH
Reports incomplete, improperly signed, or not signed or certified.	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, NOV, COM, CDO (which may require corrections), PUB	Continuous and routine violations	PC, MTG, NOV (may return and require corrections), COM, CDO, PUB, LIA, PB, SCH, CO, INJ, CIV
Sampling incomplete, all parameters not analyzed, or not at proper frequency.	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, IM, NOV, MOD, (may return and require corrections), COM, CDO	Continuous and routine violations	MTG, IM, NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, CO, INJ, PR, DAM, CIV, REF
Information falsified, does not agree with laboratory reports	Infrequent, non-continuous, or isolated violations	NA, PC, MTG, NOV, MOD, COM, CDO, SCH	Continuous and routine violations	MTG, NOV, MOD, COM, CDO, PUB, LIA, PB, SCH, CO, PR, DAM, REF

N. Rules and Regulations Relating to the Use of the Public Sewer System for the Discharge of Sewage, Industrial waste, and Other Waste

§480. GENERAL PROVISIONS - Purpose and Policy

These Rules and Regulations set forth uniform requirements for users of the Publicly Owned Treatment Works for the Bradford Sanitary Authority and enables the Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 Code of Federal Regulations Part 403). The objectives of these Rules and Regulations are:

A. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will interfere with its operation;

B. To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters, or otherwise be incompatible with the Publicly Owned Treatment Works;

C. To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;

D. To promote reuse and recycling of industrial wastewater and sludge from the Publicly Owned Treatment Works;

E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and

F. To enable the Authority to comply with its National Pollutant Discharge Elimination System permit conditions, sludge use and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

These Rules and Regulations shall apply to all users of the Publicly Owned Treatment Works. The Rules and Regulations authorize the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

§481. Administration

Except as otherwise provided herein, the Authority shall administer, implement and enforce the provisions of these Rules and Regulations. Any powers granted to or duties imposed upon the Authority may be delegated by the Authority to other personnel.

§482. Abbreviations

The following abbreviations, when used in these Rules and Regulations, shall have the designated meanings.

BOD	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
EPA	U.S. Environmental Protection Agency
gpd	gallons per day
mg/l	milligrams per liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
TSS	Total Suspended Solids
U.S.C.	United States Code

§483. Definitions

Unless a provision explicitly states otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated.

A. Act or "the Act," The Federal Water Pollution Control Act also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.

B. Approval Authority Regional Administrator of EPA, Region III.

C. Authority. The Bradford Sanitary Authority, or a duly authorized representative.

D. Authorized Representative of the User.

(1) If the user is a corporation:

(a) The president, secretary, treasurer, 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

(b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

(2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.

(3) If the user is a Federal, State, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.

(4) The individuals described in Sections 1.4.D(1-3) of these Rules and Regulations 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 Authority.

E. Best Management Practices or BMPs. The schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

F. Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees C, usually expressed as a concentration (e.g., mg/l).

G. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) which apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

H. Categorical Industrial User. An Industrial User subject to a categorical Pretreatment Standard or categorical Standard.

I. Control Authority. The Bradford Sanitary Authority

J. Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or, where appropriate, the Water Protection Division, or other duly authorized official of said agency.

K. Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.

L. Grab Sample. A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

M. Indirect Discharge or Discharge. The introduction of pollutants into the POTW from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act.

N. Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.

O. Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act the Clean Air Act the Toxic Substances Control Act and the Marine Protection, Research, and Sanctuaries Act.

P. Local Limit. Specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b).

Q. Medical Waste. 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.

R. New Source.

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

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

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

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

(2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1.4.N(1)(b) or (c) of these Rules and Regulations but otherwise alters, replaces, or adds to existing process or production equipment.

(3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous onsite construction program

(i) any placement assembly, or installation of facilities or equipment; or

(ii) significant site preparation work including clearing, excavation, or removal of existing building, structures, or facilities which is necessary for the placement assembly, or installation of new source facilities or equipment; or

(b) 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 paragraph.

S. Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

T. Pass Through. A discharge which exits the POTW into water of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a Violation of any requirement of the Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

U. Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

V. pH. A measure of the acidity or alkalinity of a solution, expressed in standard units.

W. Pollutant. Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).

X. Pretreatment. 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, introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Y. Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Z. Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

AA. Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 2.1 of these Rules and Regulations.

BB. Publicly Owned Treatment Works or POTW. A "treatment works," as defined by Section 212 of the Act (33 U.S.C. Section 1292) which is owned by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, or reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

CC. Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

DD. Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).

EE. Significant Industrial User.

(1) A user subject to categorical pretreatment standards; or

(2) A user that:

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, noncontact cooling, and boiler blowdown wastewater);

(b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or

(c) Is designated as such by the Authority on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

(3) Upon a finding that a user meeting the criteria in Section 1.4.BB(2) of these Rules and Regulations has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Authority may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such user should not be considered a significant industrial user.

FF. Slug Load or Slug Discharge. Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of these Rules and Regulations. A Slug Discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or pass through, or in any other way violate the POTW's regulations, local limits or permit conditions.

GG. Standard Industrial Classification (SIC) Code. A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget

HH. Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

II. Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

JJ. User or Industrial User. A source of indirect discharge.

KK. Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.

LL. Wastewater Treatment Plant or Treatment Plant. That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

§484. GENERAL SEWER USE REQUIREMENTS - Prohibited Discharge Standards

A. General Prohibitions. No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

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

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

(2) Wastewater having a pH less than 5.0 or more than 11.0, or otherwise causing corrosive structural damage to the POTW or equipment;

(3) 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 three inches (3 in) or 7.62 centimeters (7.62 cm) in any dimension;

(4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;

(5) Wastewater having a temperature greater than 150 degrees F (65.5 degrees C), or which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104 degrees F (40 degrees C);

(6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;

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

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

(9) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plants effluent, thereby violating the Authority's NPDES permit;

(10) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;

(11) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, noncontact cooling water, and unpolluted wastewater, unless specifically authorized by the Authority;

(18, §484)

(18, §484)

- (12) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (13) Medical wastes, except as specifically authorized by the Authority in a wastewater discharge permit;
- (14) Wastewater causing, alone or in conjunction with other sources, the treatment plants effluent to fail a toxicity test;
- (15) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (16) Fats, oils, or greases of animal or vegetable origin in concentrations greater than one hundred (100) mg/l;
- (17) Trucked or hauled pollutants, except at discharge points designated by the Authority in accordance with Section 3.4 of these Rules and Regulations;

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

§485. National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the Authority may impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. 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.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

§486. State Pretreatment Standards

[Reserved]

§487. Local Limits

A. The Authority is authorized to establish Local Limits pursuant to 40 CFR 403.5(c).

B. The following pollutant limits are established to protect against pass through and interference. No person shall discharge wastewater containing in excess of the following daily maximum allowable discharge limits:

Arsenic	0.17 mg/l
Cadmium	0.04 mg/l
Chromium	11.97mg/1
Copper	0.14 mg/l
Cyanide	1.33 mg/l
Iron	82.07 mg/l
Lead	0.38 mg/l
Mercury	non-detectable*
Nickel	3.6 mg/l
Silver	11.57 mg/l
Zinc	1.47 mg/l

*Local limit shall be non-detectable using EPA Method 245.2, which has a detection limit of 0.2 µg/L (parts per billion).

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Authority may impose mass limitations in addition to, or in place of, the concentration-based limitations above. Local limits may be included in wastewater discharge permits issued to significant industrial users and may be applied to other users in such manner as deemed appropriate by the Authority.

§488. Authority's Right of Revision

The Authority reserves the right to establish, by amendment to its Rules and Regulations or by waiver and/or special agreement, as provided for in Section 15 of these Rules and Regulations, more or less stringent standards or requirements on discharges to the POTW in order to comply with any federal, state, or local regulations and/or requirements or as otherwise deemed appropriate by the Authority.

§489. Dilution

Except where expressly authorized to do so by an applicable pretreatment standard or requirement 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 a discharge limitation. The Authority may impose mass limitations on users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

§490. PRETREATMENT OF WASTEWATER - Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set out in Section

2.1 of these Rules and Regulations within the time limitations specified by EPA, the State, or the Authority, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the users expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of these Rules and Regulations.

§491. Additional Pretreatment Measures

A. Whenever deemed necessary, the Authority 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 users compliance with the requirements of these Rules and Regulations.

B. The Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.

C. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential users. All interception units shall be of type and capacity approved by the Authority and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the user at their expense.

D. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

§492. Accidental Discharge/Slug Control Plans

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

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the Authority of any accidental or slug discharge, as required by Section 6.6 of these Rules and Regulations; and
- D. 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.

§493. Hauled Wastewater

A. Septic tank waste may be introduced into the POTW only at locations designated by the Authority, and at such times as are established by the Authority. Such waste shall not violate Section 2 of these Rules and Regulations or any other requirements established by the Authority. The Authority may require septic tank waste haulers to obtain wastewater discharge permits.

B. A hauler of industrial waste shall obtain a wastewater discharge permit prior to delivery of wastewater to the POTW unless otherwise authorized by the Authority. The Authority may require generators of hauled industrial waste to obtain wastewater discharge permits. The Authority also may prohibit the disposal of hauled industrial waste. The discharge of hauled industrial waste is subject to all other requirements of these Rules and Regulations.

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

D. 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.

§494. WASTEWATER DISCHARGE PERMIT APPLICATION - Wastewater Analysis

When requested by the Authority, a user must submit information on the nature and characteristics of its wastewater within thirty (30) days of the request. The Authority is authorized to prepare a form for this purpose and may periodically require users to update this information.

§495. Wastewater Discharge Permit Requirement

A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Authority, except that a significant industrial user that has filed a timely application pursuant to Section 4.3 of these Rules and Regulations may continue to discharge for the time period specified therein.

B. The Authority may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of these Rules and Regulations.

C. Any violation of the terms and conditions of a wastewater discharge permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 10 through 12 of these Rules and Regulations. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

§496. Wastewater Discharge Permitting: Existing Connections

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Authority for a wastewater discharge permit in accordance with Section 4.5 of these Rules and Regulations, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of these Rules and Regulations except in accordance with a wastewater discharge permit issued by the Authority.

§497. Wastewater Discharge Permitting: New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with Section 4.5 of these Rules and Regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

§498. Wastewater Discharge Permit Application Contents

All users required to obtain a wastewater discharge permit must submit a permit application. The Authority may require all users to submit as part of an application the following information:

- A. All information required by Section 6.1.B of these Rules and Regulations;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation of the plant, proposed or actual hours of operation of the pretreatment system;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);

F. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;

G. Time and duration of discharges; and

H. Any other information as may be deemed necessary by the Authority to evaluate the wastewater discharge permit application.

Incomplete or inaccurate applications will not be processed and will be returned to the user for revision.

§499. Application Signatories and Certification

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

"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."

If the designation of an Authorized Representative is no longer accurate because a different individual or position has responsibility for the overall operation of the facility or overall responsibility for environmental matters for the company, a new written authorization satisfying the requirements of this Section must be submitted to the Authority prior to or together with any reports to be signed by an Authorized Representative.

§500. Wastewater Discharge Permit Decisions

The Authority will evaluate the data furnished by the user and may require additional information. Within ninety (90) days of receipt of a complete wastewater discharge permit application, the Authority will determine whether or not to issue a wastewater discharge permit. The Authority may deny any application for a wastewater discharge permit.

§501. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS - Wastewater Discharge Permit Duration

A wastewater discharge permit shall be issued for a specified time period, not to exceed five (5) years from the effective date of the permit. A wastewater discharge permit may be issued for a period of less than five (5) years, at the discretion of the Authority. Each wastewater discharge permit will indicate a specific date upon which it will expire.

§502. Wastewater Discharge Permit Contents

A wastewater discharge permit shall include such conditions as are deemed reasonably necessary by the Authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, and protect against damage to the POTW.

A. Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit issuance date, expiration date, effective date and duration, which in no event shall exceed five (5) years;
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with Section 5.5 of these Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit;
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law, and;
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements to notify the Authority of any changes that impact the *potential* for a slug discharge from the user and to control slug discharges if determined by the Authority to be necessary.

B. Wastewater discharge permits may contain, but not be limited to, the following conditions:

- (1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works,
- (3) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;

- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (7) A statement that compliance with the wastewater discharge 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 term of the wastewater discharge permit; and
- (8) Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

§503. Wastewater Discharge Permit Appeals

The Authority shall provide public notice of the issuance of a wastewater discharge permit. Any person, including the user, may petition the Authority to reconsider the terms of a wastewater discharge permit within thirty (30) days of notice of its issuance.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
- C. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
- D. If the Authority fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a wastewater discharge permit not to issue a wastewater discharge permit or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative wastewater discharge permit decision must do so by filing a complaint with the Court of Common Pleas for McKean County.

§504. Wastewater Discharge Permit Modification

The Authority may modify a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- D. Information indicating that the permitted discharge poses a threat to the Authority's POTW, its personnel, or the receiving waters;

- E. Violation of any terms or conditions of the wastewater discharge permit,
- F. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;

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G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;

H. To correct typographical or other errors in the wastewater discharge permit; or

I. To reflect a transfer of the facility ownership or operation to a new owner or operator.

§505. Wastewater Discharge Permit Transfer

Wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the Authority and the Authority approves the wastewater discharge permit transfer. The notice to the Authority must include a written certification by the new owner or operator which:

A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

B. Identifies the specific date on which the transfer is to occur; and

C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

Failure to provide advance notice of a transfer renders the wastewater discharge permit void as of the date of facility transfer.

§506. Wastewater Discharge Permit Revocation

The Authority may revoke a wastewater discharge permit for good cause, including, but not limited to, the following reasons:

A. Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;

B. Failure to provide prior notification to the Authority of changed conditions pursuant to Section 6.5 of these Rules and Regulations;

C. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;

D. Falsifying self-monitoring reports;

E. Tampering with monitoring equipment;

F. Refusing to allow the Authority timely access to the facility premises and records;

G. Failure to meet effluent limitations;

H. Failure to pay fines;

I. Failure to pay sewer charges;

J. Failure to meet compliance schedules;

K. Failure to complete a wastewater survey or the wastewater discharge permit application;

- L. Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the wastewater discharge permit or these Rules and Regulations.

Wastewater discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All wastewater discharge permits issued to a particular user are void upon the issuance of a new wastewater discharge permit to that user.

§507. Wastewater Discharge Permit Reissuance

A. A user with an expiring wastewater discharge permit shall apply for wastewater discharge permit reissuance by submitting a complete permit application, in accordance with Section 4.5 of these Rules and Regulations, a minimum of ninety (90) days prior to the expiration of the user's existing wastewater discharge permit.

B. The terms and conditions of an expired wastewater discharge permit shall be deemed to continue in effect pending a decision on a reissued permit, if (1) the user filed a timely application that is complete and (2) the wastewater discharge permit, through no fault of the user, is not reissued with an effective date on or before the expiration date of the existing permit

§508. Regulation of Waste Received from Other Jurisdictions

A. If another municipality, or user located within another municipality, contributes wastewater to the POTW, the Authority shall enter into an intermunicipal agreement with the contributing municipality.

B. Prior to entering into an agreement required by Section 5.8.A of these Rules and Regulations, the Authority shall request the following information from the contributing municipality:

- (1) A description of the quality and volume of wastewater discharged to the POTW by the contributing municipality;
- (2) An inventory of all users located within the contributing municipality that are discharging to the POTW; and
- (3) Such other information as the Authority may deem necessary.

C. An intermunicipal agreement as required by Section 5.8.A of these Rules and Regulations, shall contain at a minimum the following conditions:

(1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as these Rules and Regulations and local limits, including Baseline Monitoring Reports (BMRs) which are at least as stringent as those set out in Section 2.4 of these Rules and Regulations. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Authority's Rules and Regulations or local limits;

(2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;

(3) A provision specifying which pretreatment implementation activities, including wastewater discharge permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Authority; and which of these activities will be conducted jointly by the contributing municipality and the Authority;

(4) A requirement for the contributing municipality to provide the Authority with access to all information that the contributing municipality obtains as part of its pretreatment activities;

(5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;

(6) Requirements for monitoring the contributing municipality's discharge;

(7) A provision ensuring the Authority access to the facilities of users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Authority; and

(8) A provision specifying remedies for breach of the terms of the intermunicipal agreement

§509. REPORTING REQUIREMENTS - Baseline Monitoring Reports

A. 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 a POTW shall submit to the Authority a report which contains the information listed in Section 6.1.B of these Rules and Regulations. 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 Authority a report which contains the information listed in Section 6.1.B of these Rules and Regulations. 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.

B. Users described above shall submit the information set forth below.

(1) Identifying Information. The name and address of the facility, including the name of the operator and owner.

(2) Environmental Permits. A list of any environmental control permits held by or for the facility.

(3) Description of Operations. A brief description of the 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 indicates points of discharge to the POTW from the regulated processes.

(4) Flow Measurement. 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 wastestream formula set out in 40 CFR 403.6(e). The Authority may allow for verifiable estimates of these flows where justified by cost or feasibility considerations.

(5) Measurement of Pollutants.

(a) The categorical pretreatment standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Authority, of 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 6.10 of these Rules and Regulations. In cases where the applicable standard requires compliance with a Best management Practice or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable standards to determine compliance with the standard.

(c) Sampling must be performed in accordance with procedures set out in 40 CFR 403.12(b)(5) and Section 6.11 of these Rules and Regulations.

(6) Certification. A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards, including any Best Management Practices required of the user, 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.

(7) Compliance Schedule. 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 40 CFR 403.12(b)(7), 403.12(c), and Section 6.2 of these Rules and Regulations.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.6 of these Rules and Regulations.

§510. Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1.B(7) of these Rules and Regulations:

A. 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, commencing and completing construction, and beginning and conducting routine operation);

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

C. The user shall submit a progress report to the Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress and, if not, the date on which it expects to comply with this increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and

D. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

§511. Reports on Compliance with Categorical Pretreatment Standard Deadline

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 Authority a report containing the information described in Section 6.1.B(4-6) of these Rules and Regulations. 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 4.6 of these Rules and Regulations.

§512. Periodic Compliance Reports

A. Except as otherwise required by the Authority, a significant industrial user shall twice per year (in June and December) submit a report containing the information set forth in 40 CFR 403.12 (e), (g), and (h), as applicable, indicating, among other things, 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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. The Authority, at its discretion, may require the submission of such additional reports, as it deems appropriate. All periodic compliance reports must be signed and certified in accordance with Section 4.6 of these Rules and Regulations

B. 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.

C. If a user subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in Section 6.11 of these Rules and Regulations, the results of this monitoring shall be included in the report.

D. All periodic compliance reports must be signed and certified in accordance with Section 6.14 A of this ordinance.

§513. Reports of Changed Conditions

Each user must notify the Authority of any 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 change. Also each user must notify the Authority of any changes that impact the *potential* for a slug discharge from the user.

A. The Authority 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 4.5 of these Rules and Regulations.

B. The Authority may issue a wastewater discharge permit under Section 5.7 of these Rules and Regulations or modify an existing wastewater discharge permit under Section 5.4 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.

C. For purposes of this requirement significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

§514. Reports of Potential Problems

A. In the case of any discharge, including, but not limited to, accidental discharges, discharges of a nonroutine, episodic nature, a noncustomary batch discharge, or a slug load, that may cause potential problems for the POTW, the user shall immediately telephone or notify the Authority of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and corrective actions taken by the user.

B. Within five (5) days following such discharge, the user shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be 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,

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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 these Rules and Regulations.

C. 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 A, above. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

§515. Reports from Unpermitted Users

All users not required to obtain a wastewater discharge permit shall undertake monitoring, provide reports to the Authority, and undertake such additional actions as the Authority may require.

§516. Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a user indicates a violation, the user must notify the Authority 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 Authority within thirty (30) days after becoming aware of the violation. The user is not required to resample if the Authority monitors at the user's facility at least once a month, or if the Authority samples between the user's initial sampling and when the user receives the results of the sampling.

§517. Notification of the Discharge of Hazardous Waste

A. Any user who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Authority, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 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 discharge (continuous, batch, or other). If the user discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also 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, an estimation of the mass and concentration of such constituents in the wastestream discharged during the calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no 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 discharged. However, notifications of changed conditions must be submitted under Section 6.5 of these Rules and Regulations. The notification requirement in this section does not apply to pollutants already reported by users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of these Rules and Regulations.

B. Dischargers are exempt from the requirements of Section 6.9.A of these Rules and Regulations during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the user discharges more than such quantities of any hazardous waste do not require additional notification.

C. In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the user must notify the Authority, the EPA Regional Waste Management Division Authority, the State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.

D. 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.

E. This provision does not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued thereunder, or any applicable Federal or State law.

§518. Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a wastewater discharge permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other parties approved by EPA.

§519. Sample Collection

Samples collected to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

A. Except as indicated in Section B and C below, the user must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate. In addition, grab samples may be required to show compliance with Instantaneous Limits.

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

C. For sampling required in support of baseline monitoring and 90-day compliance reports required in Section 6.1 and 6.3 [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For the reports required by paragraphs Section 6.4 (40 CFR 403.12(e) and 403.12(h)), the industrial user is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

§520. Date of Receipt of Reports

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.

§521. Record Keeping

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements, and documentation associated with Best Management Practices established under Section 2.4 C. 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 Authority, or where the user has been specifically notified of a longer retention period by the Authority.

§522. Certification Statements

A. Certification of Permit Applications, User Reports — The following certification statement is required to be signed and submitted by users submitting permit applications in accordance with Section 4.7; users submitting baseline monitoring reports under Section 6.1 B (5); users submitting reports on compliance with the categorical Pretreatment Standard deadlines under Section 6.3; and users submitting periodic compliance reports required by Section 6.4 A–D. The following certification statement must be signed by an Authorized Representative as defined in Section 1.4 D:

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.

§523. COMPLIANCE MONITORING - Right of Entry: Inspection and Sampling

The Authority shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of these Rules and Regulations and any wastewater discharge permit or order issued hereunder. Users shall allow the Authority ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

A. Where a user has security measures in force which 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, the Authority will be permitted to enter without delay for the purposes of performing specific responsibilities.

B. The Authority shall have the right to set up on the user's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the users operations.

C. The Authority may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated as determined by the Authority, but in no case less than once per year, to ensure their accuracy.

(18, §523)

D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the Authority and shall not be replaced. The costs of clearing such access shall be borne by the user.

E. Unreasonable delays in allowing the Authority access to the user's premises shall be a violation of these Rules and Regulations.

§524. Search Warrants

If the Authority has been refused access to a building, structure, or property, or any part thereof, and is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with these Rules and Regulations or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Authority may seek issuance of a search warrant from the appropriate judicial officer.

§525. CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Authority's inspection and sampling activities, shall be available to the public without restriction, unless the user specifically requests, and is able to demonstrate to the satisfaction of the Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information should be held confidential, 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 immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

§526. PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Authority shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the POTW, a list of the Users which, at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other Industrial User that violates paragraphs (C), (D) or (H) of this Section) and shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter taken during a six- (6-) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2;

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six- (6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;

D. Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;

E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;

F. Failure to provide within thirty (30) days after the due date, required reports such as baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report noncompliance; or

H. Any other violation(s) which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

§527. ADMINISTRATIVE ENFORCEMENT REMEDIES - 10.1 Notification of Violation

When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement the Authority may serve upon the user a written Notice of Violation. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the Authority. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Authority to take any action, including emergency actions or any other enforcement, without first issuing a Notice of Violation.

§528. Consent Orders

The Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such documents will include specific action to be taken by the user to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of these Rules and Regulations and shall be judicially enforceable.

§529. Show Cause Hearing

The Authority may order a user which has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Authority and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

§530. Compliance Orders

When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement the Authority may issue an order to the user responsible for the discharge directing that the user come into compliance within a specified time. If the user does not come into compliance within the time provided, sewer service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a pretreatment standard or requirement nor does a compliance order relieve the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the user.

§531. Cease and Desist Orders

When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the Authority may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge.

Issuance of a cease and desist order shall not be a bar against or a prerequisite for, taking any other action against the user.

§532. Administrative Fines

A. When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement the Authority may fine such user in an amount not to exceed \$25,000.00 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense. In the case of monthly or other long-term average discharge limits, fines may be assessed for each day during the period of violation.

B. Unpaid charges, fines, and penalties shall, after thirty (30) calendar days, be assessed an additional penalty of ten percent (10%) of the unpaid balance, and interest shall accrue thereafter at a rate of one and one-half percent (1-1/2 %) per month. A lien against the user's property will be sought for unpaid charges, fines, and penalties.

C. Users desiring to dispute such fines must file a written request for the Authority to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. The Authority may convene a hearing on the matter as it deems appropriate. In the event the user's appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the user. The Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

D. Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the user.

§533. Emergency Suspensions

The Authority may immediately suspend a users discharge, after informal notice to the user, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Authority may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present an endangerment to the environment.

A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Authority may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings in Section 10.8 of these Rules and Regulations are initiated against the user.

B. A user that is responsible, in whole or in part for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Authority prior to the date of any show cause or termination hearing under Sections 10.3 or 10.8 of these Rules and Regulations.

Nothing in this section shall be interpreted as requiring a hearing prior to any emergency suspension under this section.

§534. Termination of Discharge

In addition to the provisions in Section 5.6 of these Rules and Regulations, any user who violates the following conditions is subject to discharge termination:

- A. Violation of wastewater discharge permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 2 of these Rules and Regulations.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the user.

§535. JUDICIAL ENFORCEMENT REMEDIES - Injunctive Relief

When the Authority finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement the Authority may petition the Court of Common Pleas of McKean County through the Authority's Solicitor for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the wastewater discharge permit order, or other requirement imposed by these Rules and Regulations on activities of the user. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against the user.

§536. Civil Penalties

A. A user who has violated, or continues to violate, any provision of these Rules and Regulations, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Authority for a civil penalty in an amount not to exceed \$25,000.00 per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

B. The Authority may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Authority.

C. In determining the amount of civil liability, the court may take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user, and any other factor as justice requires.

D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.

§537. Remedies Nonexclusive

The remedies provided for in these Rules and Regulations are not exclusive. Authority may take any, all, or any combination of these actions against a noncompliant user. Enforcement of pretreatment violations will generally be in accordance with the Authority's enforcement response plan. However, the Authority may take other action against any user when the circumstances warrant. Further, the Authority is empowered to take more than one enforcement action against any noncompliant user.

§538. SUPPLEMENTAL ENFORCEMENT ACTION - Performance Bonds

The Authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the Authority, in a sum not to exceed a value determined by the Authority to be necessary to achieve consistent compliance.

§539. Liability Insurance

The Authority may decline to issue or reissue a wastewater discharge permit to any user who has failed to comply with any provision of these Rules and Regulations, a previous wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

(18, §540)

(18, §540)

§540. Water Supply Severance

Whenever a user has violated or continues to violate any provision of these Rules and Regulations, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

§541. Other Enforcement Actions

In addition to the enforcement remedies and responses otherwise identified in these Rules and Regulations, noncompliance by a user with any provision of these Rules and Regulations, a wastewater discharge permit an order issued hereunder, or any other pretreatment standard or requirement may subject a user to enforcement response(s) including, but not limited to, monitoring and/or reporting beyond the federal minimum, short term wastewater discharge permits, modification of a wastewater discharge permit, referral to EPA or DEP, or other enforcement response as deemed appropriate by the Authority.

§542. AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS - Upset

A. For the purposes of this section, "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.

B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of Section 13.1.C of these Rules and Regulations are met.

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

- (1) An upset occurred and the user can identify the cause(s) of the upset;
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures;
- (3) The facility that experiences an upset controlled its production and all of its discharges to maintain compliance; and
- (4) The user has submitted the following information to the Authority 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):
 - (a) A description of the indirect discharge and cause of noncompliance;
 - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
 - (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.

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

E. 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.

F. Users shall control production or 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.

§543. Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for noncompliance with the general prohibitions in Section 2.1.A of these Rules and Regulations or the specific prohibitions in Sections 2.1.B(3-15) of these Rules and Regulations 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:

A. A local limit, designed for preventing pass through or interference, 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

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

§544. Bypass

A. For the purposes of this section:

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

(2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes 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.

B. 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 Sections 13.3.C and D of these Rules and Regulations.

C. (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Authority, at least ten (10) days before the date of the bypass, if possible.

(2) A user shall submit oral notice to the Authority 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 the 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 Authority may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. (1) Bypass is prohibited, and the Authority may take an enforcement action against a user for a bypass, unless

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

(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

(c) The user submitted notices as required under Section 13.3.C of these Rules and Regulations.

(2) The Authority may approve an anticipated bypass, after considering its adverse effects, if the Authority determines that it will meet the three conditions listed in Section 13.3.D(1) of these Rules and Regulations.

§545. WASTEWATER TREATMENT RATES

(Reserved)

§546. MISCELLANEOUS PROVISIONS - Pretreatment Charges and Fees

The Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Authority's Pretreatment Program.

- A. Fees for wastewater discharge permit applications including the cost of processing such applications;
- B. Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users;
- C. Fees for reviewing and responding to accidental discharge procedures and construction;
- D. Fees for filing appeals; and
- E. Other fees as the Authority may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines, and penalties chargeable by the Authority.

§547. Special Agreements and/or Waiver of Pretreatment Requirements

Nothing contained in these Rules and Regulations shall be construed as prohibiting special agreements between the Authority and a person discharging industrial wastewater to the sewer system, or for the Authority to otherwise waive requirements hereunder, when conditions and circumstances making such special agreements or waiver advisable and/or necessary, in the opinion of the Authority, are present, provided, however, that

- A. Pretreatment requirements contained in 40 CFR 403 shall not be waived.
- B. National Categorical Pretreatment Standards and federal Prohibitive Discharge Standards (including the general and specific prohibitions set forth at 40 CFR 403.5(a) and (b)) shall not be waived, unless such waiver is granted by mechanisms established under the Federal Pretreatment Regulations (40 CFR Part 403 et seq.)
- C. In no case shall a special agreement or waiver of Local Limits allow an industrial user to discharge any pollutant which, alone or in combination with other regulated industrial user discharges, would reasonably be expected to exceed the mass loadings determined by the Authority as acceptable to the POTW based upon considerations of, among other things, interference, pass through, and sludge contamination. The Authority may consider other factors (e.g., effect of the discharge on the POTW, future expansion, etc.) as it deems appropriate. In no event shall any special agreement or waiver allow the sum of the loadings allocated to industrial users to exceed the values set forth in any local limits analysis submitted by the Authority to EPA and approved by EPA as part of the Industrial Pretreatment Program.

D. The Authority may require an industrial user requesting a special agreement or waiver adjusting effluent limitations to submit supporting documentation indicating why the industrial user cannot reasonably expect to meet the effluent limitations contained in its wastewater discharge permit, setting forth an expeditious schedule for achieving compliance with such limitations, and including such other information as the Authority may require. In granting any special agreement or waiver, the Authority may impose time limitations upon any reduced requirements and provide a compliance schedule for achieving compliance. In granting any special agreement or waiver, the Authority may impose other conditions deemed necessary to implement the purposes of these Rules and Regulations.

E. If granting a special agreement or waiver would result in increased costs to the Authority (e.g., treatment, monitoring, sludge disposal, etc.), the Authority may condition the special agreement or waiver upon the agreement of the industrial user to pay these costs, and to provide security adequate in the judgment of the Authority to assure payment of these costs.

F. Any special agreement and/or waiver of pretreatment requirements under this Section shall be timely memorialized in writing. "In writing" includes, among other things, a wastewater discharge permit modification, a written agreement a letter from the Authority to the industrial user, or other written record which identifies that the Authority waived or otherwise modified the requirement.

§548. Reservation of Rights

Notwithstanding any other provision to the contrary, nothing in these Rules and Regulations shall be deemed to be a legally binding commitment under the Clean Water Act, 33 U.S.C. Sections 1251 et seq., the Clean Streams Law 35 Pa. Stat. Sections 691.1 et seq. and applicable regulations (e.g., 40 CFR Part 403, Title 25 Pa. Code) for the Authority to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by these laws and regulations. Authority implementation of pretreatment provisions for significant industrial users will be reflected in a wastewater discharge permit, special agreement and/or waiver, as applicable, as provided for by Sections 4.2.A and 15.2 of these Rules and Regulations. Nevertheless, the Authority maintains discretionary authority to undertake pretreatment activities beyond the minimum required.

§549. Severability

If any provision of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions shall not be effected and shall continue in full force and effect.

§550. EFFECTIVE DATE

These Rules and Regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.