

Industrial Pretreatment Program (Exeter)

PENNSYLVANIA-AMERICAN WATER COMPANY

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INDUSTRIAL PRETREATMENT PROGRAM
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Section 1. GENERAL PROVISIONS

1.1 Purpose and Policy

- (a) These rules set forth requirements applicable to Users of the wastewater collection, treatment, and disposal services (“Treatment Works”) provided by Pennsylvania-American Water Company (the “Company”) and the nature of wastes acceptable for discharge into the Company’s Treatment Works, either directly or indirectly. These rules are part of the Tariff for the Company approved by the Pennsylvania Public Utility Commission pursuant to the Code and may be revised, amended, supplemented and otherwise changed from time to time in accordance with the Code.
- (b) The objectives of these rules are:
 - (i) To prohibit the introduction of Pollutants into the Company’s Treatment Works that will interfere with its operation or contaminate the resulting sludge;
 - (ii) To prohibit the introduction of Pollutants into the Company’s Treatment Works that will pass through the Treatment Works, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the Treatment Works;
 - (iii) To protect both the Company’s personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
 - (iv) To promote reuse and recycling of industrial wastewater and sludge from the Company’s Treatment Works;
 - (v) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Company’s Treatment Works;
 - (vi) To enable the Company 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 Company’s Treatment Works is subject;
 - (vii) To require the pretreatment of wastewater discharged into the Company’s Treatment Works as appropriate and consistent with standards for pretreatment of wastewater that have been promulgated by the EPA or otherwise imposed on Users by the DEP; and
 - (viii) To otherwise provide the conditions of wastewater collection, treatment, and disposal service by the Company.
- (c) These rules shall apply to all direct and indirect contributors to the Company’s Treatment Works and shall apply to any person applying for or receiving wastewater collection, treatment, or disposal service from the Company. These rules authorize the issuance of wastewater discharge permits; provide for monitoring, compliance, and enforcement activities; establish administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the program established herein. These rules replace all prior

rules, and all such prior rules are hereby rescinded; on the effective date of these rules, all such prior rules shall be null and void.

1.2 Administration

Except as otherwise provided herein, the Company shall administer, implement, and enforce the provisions of these rules. Any powers granted to or duties imposed upon the Company may be delegated by the Company to the Company's Industrial Pretreatment Program Coordinator or other duly authorized Company employee.

1.3 Abbreviations

The following abbreviations, when used in these rules shall have the designated meanings:

BOD5 – Biochemical Oxygen Demand (5-day)
BMP – Best Management Practice
C - Celsius
CFR - Code of Federal Regulations
CIU – Categorical Industrial User
COD – Chemical Oxygen Demand
DEP – Pennsylvania Department of Environmental Protection
EPA – U.S. Environmental Protection Agency
F - Fahrenheit
gpd – gallons per day
IU – Industrial User
IPP – Industrial Pretreatment Program
IWDP – Industrial Waste Discharge Permit
mg/l – milligrams per liter
NH₃-N - Ammonia Nitrogen
NPDES – National Pollutant Discharge Elimination System
NSCIU – Non-Significant Categorical Industrial User
POTW - Publicly Owned Treatment Works
RCRA – Resource Conservation and Recovery Act
SIU – Significant Industrial User
TSS – Total Suspended Solids
U.S.C. – United States Code

1.4 Definitions

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

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

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 wastewater discharge permit requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
- (2) A general partner or proprietor, if the User is a partnership or sole proprietorship.
 - (3) A director or highest official appointed or designated to oversee the operation and performance of the activities of a government facility, if the User is a Federal, State, or local governmental facility, or a charitable organization or other unincorporated entity, or their designee.
 - (4) A duly authorized representative designated by one of the individuals described in paragraphs 1 through 3, above, provided that 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 has overall responsibility for environmental matters, and the written authorization is submitted to the Company.

Biochemical Oxygen Demand or BOD₅. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees centigrade, usually expressed as a concentration (e.g., mg/l), and determined in accordance with EPA test methods referenced in 40 CFR 136.

Best Management Practices or BMPs. Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 of these rules. 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.

Bypass. The intentional or negligent diversion of wastewater from any portion of an Industrial User's pretreatment facility through which the wastewater normally passes.

Categorical Industrial User or CIU. An Industrial User who, if it were discharging to a Publicly Owned Treatment Works, would be subject to a Categorical Pretreatment Standard or Categorical Standard.

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. § 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Chemical Oxygen Demand or COD. The quantity of oxygen utilized in the chemical oxidation of organic matter which is susceptible to conversion to carbon dioxide and water and expressed as a concentration (mg/l – milligrams per liter), and determined in accordance with EPA test methods referenced in 40 CFR Part 136.

Code. Pennsylvania Public Utility Code, 66 Pa.C.S. § 101 *et seq.*

Commission. The Pennsylvania Public Utility Commission or any successor agency.

Collection System. All piping leading to a treatment plant, including those pipes connected to a combined sewer overflow that lead directly to a receiving stream.

Company. Pennsylvania-American Water Company and its duly authorized officers, agents and employees acting within the scope of their authority and employment.

Composite Sample. A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples. The sample may be composited either as a time composite sample; composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.

Cooling Water. Uncontaminated Cooling Water or Contaminated Cooling Water, as follows:

- (a) "Uncontaminated Cooling Water" means water used for cooling purposes only, which has no direct contact with any raw material, intermediate, or final product and which does not contain a level of contaminants detectably higher than that of the source of the water.
- (b) "Contaminated Cooling Water" means Water used for cooling purposes only, which may become contaminated either through the use of water treatment chemicals used for corrosion inhibitors or biocides, or by direct contact with process materials and/or wastewater.

Customer. A person or entity who is an owner, occupant or who contracts with the Company for or who takes or receives wastewater collection, treatment and/or disposal service.

Daily Maximum. The arithmetic average of all effluent samples for a Pollutant collected during a calendar day or other 24 hour period as allowed by the Company.

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

DEP. The Pennsylvania Department of Environmental Protection or any successor agency.

Domestic Sewage. Liquid or water-carried waste generated from sanitary conveniences of campers, trailers, dwellings, office buildings, factories or institutions and from household laundry operations, washing and cooking foods and dishwashing, but does not contain Industrial Waste.

Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency or any successor agency.

Excess Loading Fee. The fee applicable to discharges with loadings that exceed a Local Limit or IWDP limit, as defined in Schedule 1.

Existing Source. Any source of discharge that is not a “New Source.”

Garbage. Solid waste resulting from domestic and commercial preparation, cooking and dispensing of food, and from handling, storage and sale of produce.

Grab Sample. A sample that 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.

Holding Tank Waste. Any Sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.

Indirect Discharge. The discharge or the introduction of Pollutants from any non-domestic source into the Treatment Works (including Holding Tank Waste discharged into the system).

Industrial Loading Fee. The fee applicable to discharges with loadings above typical Domestic Sewage loadings up to but not exceeding any applicable Local Limit or IWDP limit, based on sampling and analysis by the Company, as defined in Schedule 1.

Industrial Pretreatment Program or IPP. The program herein established by the Company that requires Users to monitor, test, treat and control as necessary Pollutants in their wastewater prior to discharge into the Treatment Works, and any applicable laws, regulation or ordinance of any government or municipality applicable to the control of Indirect Discharges.

Industrial Pretreatment Program (IPP) Coordinator. The person designated by the Company to supervise the operation of its Industrial Pretreatment Program.

Industrial User or User. Any person that introduces or has the potential to introduce an Indirect Discharge to the Treatment Works.

Industrial Waste. Solid, liquid or gaseous wastes, waterborne waste or form of energy discharged by or escaping from a User or from the development, recovery or processing of natural resources, but not Domestic Sewage.

Industrial Waste Discharge Permit or IWDP. A permit as set forth in Section 4 and Section 5 of these rules, issued by the Company to a User which discharges Industrial Waste to the Treatment Works. All Industrial Wastewater Contribution Permits or other industrial wastewater discharge permits in place and effective on the effective date of these rules shall continue in effect pending further action by the Company as provided in Section 4.3.

Instantaneous 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.

Interference. A discharge that alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the Treatment Works, its treatment processes or operations or its sludge processes,

use or disposal; and therefore, is a cause of a violation of the Company's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent 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 or 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.

Local Limit. Specific Pollutant discharge limits developed and enforced by the Company upon Users to implement the general and specific discharge prohibitions identified herein. Applicable local limits are specified in Schedule 2.

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.

Monthly Average. The sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

Monthly Average Limit. The highest allowable average of "daily discharges" over a calendar month, calculated as the sum of all "daily discharges" measured during a calendar month divided by the number of "daily discharges" measured during that month.

National Pollutant Discharge Elimination System or NPDES. A system of discharge permits issued pursuant to Section 402 of the Act (33 USC § 1342).

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 that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section and if such source were to discharge to a POTW, 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, and 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 New Source section (1)(b) or (c) above 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 buildings, 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 is 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.

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

Non-Significant Categorical Industrial User or NSCIU: A Categorical Industrial User that meets the following conditions as determined by the Company: 1) never discharges more than 100 gpd of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard), 2) has consistently complied with all applicable Pretreatment Standards and Requirements, 3) never discharges any untreated concentrated wastewater, and 4) annually submits the certification statement in Section 6.13 of these rules stating that the facility met the definition of an NSCIU together with any additional information necessary to support the certification statement.

Operator: Any person having charge, care, management or control of a tank truck(s) or treatment system(s) used in the removal, transportation, disposal, or treatment of Sewage and/or Industrial Wastes.

Owner. Any person vested with ownership, legal or equitable, sole or partial, of an improved property.

Pass Through. A discharge which exits the Treatment Works into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Company's NPDES permit, including an increase in the magnitude or duration of a violation.

Person. Any individual, partnership, co-partnership, 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 agencies.

pH. A measure of the acidity or alkalinity of a solution, expressed in standard units, and determined in accordance with the EPA test methods referenced in 40 CFR 136.

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, BOD5, COD, toxicity, or odor).

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 Treatment Works. 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.

Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.

Pretreatment Standards or Standards. Pretreatment Standards shall mean Prohibited Discharge Standards, Categorical Pretreatment Standards, and Local Limits.

Process Wastewater: Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct, or waste product.

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

Publicly Owned Treatment Works or POTW. A treatment works as defined by EPA in 40 CFR 403.3(q).

Sanitary Sewer. A sewer which primarily carries sanitary wastewater or Domestic Sewage, together with such storm, surface and ground water as may be present.

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

Sewer System. All sewers which convey wastewater to the Company's Treatment Works.

Significant Industrial User or SIU.

Except as provided in paragraphs (3) of this definition, a Significant Industrial User is:

- (1) An Industrial User that would be subject to Categorical Pretreatment Standards if it were discharging to a POTW; or
- (2) An Industrial User that:
 - a. Discharges an average of twenty-five thousand (25,000) gpd or more of Process Wastewater to the Treatment Works (excluding sanitary, Noncontact Cooling Water 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 Treatment Plant; or
 - c. Is designated as such by the Company on the basis that it has a reasonable potential for adversely affecting the Treatment Work's operation or for violating any Pretreatment Standard or Requirement.
- (3) The Company may determine that an Industrial User that would be subject to Categorical Pretreatment Standards is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:
 - a. The Industrial User, prior to the Company's finding, has consistently complied with all applicable Pretreatment Standards and Requirements;

- b. The Industrial User annually submits the certification statement required in Section 6.13, together with any additional information necessary to support the certification statement; and
- c. The Industrial User never discharges any untreated concentrated wastewater.

Significant Wastewater Modification. Any change to the quantity or quality of wastewater discharged by an Indirect Discharger that involves any of the following:

- a. the introduction of new Pollutants that were not previously disclosed to and approved by the Company;
- b. any increase in the maximum loading (measured in pounds per day) of any previously disclosed Pollutant which would exceed the loading limitations established under Section 2.5 or set forth in the applicable Industrial Waste Discharge Permit;
- c. any cumulative increase in the maximum loading (measured in pounds per day) of any previously disclosed Pollutant by more than ten (10) percent;
- d. any change in the loadings of any Pollutant or in the physical or chemical characteristics of the wastewater that could cause Pass Through or Interference; or
- e. any cumulative and sustained increase in volume of flow in excess of the maximum anticipated flow previously disclosed to and approved by the Company.

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. 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 these rules, Local Limits or Permit conditions.

Special Discharge Fee. The fee applicable to discharges with loadings or concentrations that exceed a Local Limit or IWDP limit and that impact sludge handling or disposal methods and costs, necessitate acquisition of nutrient credits, result in damages to the facility, or require extraordinary measures, as defined in Schedule 1.

Specific Pollutant Discharge Limitation. See definition of Local Limit, above.

Standard Industrial Classification or SIC. A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

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

Tariff. All of the service rates, rules and regulations issued by the Company, together with any supplements or revisions thereto, officially approved by and on file with the Commission.

Total Suspended Solids or Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and that is removable by laboratory filtering, expressed in terms of concentration (milligrams per liter (mg/L)).

Toxic Pollutant. Any Pollutant or combination of Pollutants listed as toxic pursuant to Pennsylvania Statutes and Rules, Section 307(a) of the Act or other Federal statutes.

Treatment Plant. That portion of the Treatment Works which is designed to provide treatment of Domestic Sewage and Industrial Waste.

Treatment Works. All of the facilities and works owned by the Company and used in the collection, storage, treatment, recycling or reclamation of domestic or industrial wastewater and any conveyances, which convey wastewater to a treatment plant. Treatment Works shall also include any collection and conveyance systems which convey wastewaters to the Company's Treatment Works from persons outside the municipality who are, by contract or agreement with the Company, Users of the Company's Treatment Works.

User. See definition of Industrial User, above

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 Treatment Works.

Wastewater Treatment Plant. See definition of Treatment Plant, above.

Section 2. GENERAL SEWER USE REQUIREMENTS

2.1 Prohibited Discharge Standards

- (a) General Prohibitions. No User shall introduce or cause to be introduced into the Treatment Works any Pollutant or wastewater which causes Pass Through or Interference. These general prohibitions apply to all Users of the Treatment Works whether or not they are subject to Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standard or Requirement.

- (b) Specific Prohibitions. No User shall introduce or cause to be introduced into the Treatment Works, or process or store in a manner that they could be introduced into the Treatment Works, the following Pollutants, substances, or wastewater:
 - (i) Quantities of liquids, solids or gases (including, but not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides) which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the Treatment Works or to the operations of the Treatment Works, including, but not limited to, any discharge with a closed-cup flashpoint of less than 140° F (60°C) using the test methods specified in 40 CFR §261.21. At no time shall any wastewater cause two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system), to be more than five percent (5%) nor any single reading to be over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.

 - (ii) Wastewater having a pH less than 6.0 or higher than 10.0 as measured by a Grab Sample or wastewater having other corrosive properties capable of causing damage or hazard to structures, equipment, or personnel of the Treatment Works.

 - (iii) Solid or viscous substances which may cause obstruction to the flow in the Sewer System or other interference with the operation of the Treatment Works such as, but not limited to, grease, Garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent limestone or marble dust, bentonite, lye, building materials, rubber, leather, porcelain, china, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes or any material which can be disposed of as trash.

 - (iv) Pollutants, including oxygen-demanding Pollutants (BOD5, etc.), released in a discharge at a flow rate and/or Pollutant concentration which, either singly or by interaction with other Pollutants, will cause Interference with the Treatment Works.

- (v) Wastewater with a temperature at the introduction into the Treatment Works which exceeds 120 degrees F (49 degrees C), or less than 32°F, or which will inhibit biological activity in the Treatment Plant resulting in Interference, but in no case wastewater which causes the temperature at the introduction into the Treatment Plant to exceed 104 degrees F (40 degrees C).
- (vi) Petroleum oil, motor oils or lubricants removed from vehicles or machinery, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through.
- (vii) Pollutants in sufficient quantity which, either alone or by interaction with other Pollutants, would result in the presence of toxic gases, vapors or fumes, cause worker injury or disruption of any wastewater treatment process, including the disposal of sludge, or would be in non-compliance with any Categorical or Pretreatment Standards established in accord with 40 CFR Section 403.6.
- (viii) Trucked or hauled Pollutants, except at discharge points designated by the Company.
- (ix) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the Sewer System for maintenance or repair.
- (x) Wastewater which imparts color which cannot be removed by the treatment process, and which consequently imparts color to the Treatment Plant's effluent.
- (xi) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- (xii) Sludges, screenings, or other residues from the pretreatment of Industrial Wastes.
- (xiii) Wastewater causing, alone or in conjunction with other sources, the Treatment Plant's effluent to fail toxicity test.
- (xiv) Discharge which, if otherwise disposed of, would be considered a hazardous waste as defined in 40 CFR Part 261, without prior notification by the User in writing to the Company, DEP and EPA as provided in 40 CFR 403.12(p)(1) and written approval by the Company.
- (xv) Any Significant Wastewater Modification without prior notification to the Company and written approval by the Company.
- (xvi) Any substance which may cause the Treatment Plant's effluent or any other product of the Treatment Plant such as residues, sludge, or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance

discharged to the Treatment Works cause the Company to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act, nor any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management methods being used by the Company.

- (xvii) Any Pollutants, including oxygen demanding Pollutants and suspended solids released at a flow rate and/or Pollutant concentration which a user knows or has reason to know will cause Interference or Pass Through to the Treatment Works. In no case shall a slug load have a flow rate or contain concentrations or quantities of Pollutants that exceed for any time period longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour permitted concentration, quantities, or flow during normal operation.
 - (xviii) Any wastewater which because of its chemical nature or composition causes the sewer atmosphere to contain airborne chemical concentrations in excess of concentrations established by the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) under 29 CFR Part 1910, regardless of duration of exposure experienced by any individual, whether the Company or contractor's employee, unless written authorization is granted by the Company.
 - (xix) Substances which will cause Pass Through and cause the Treatment Works to violate its NPDES and/or State Solid Waste Disposal System Permit(s) or the air quality and/or receiving water quality standards, or prohibited by any permit issued by the Company, the Commonwealth of Pennsylvania or the Environmental Protection Agency.
 - (xx) Wastes which are not amenable to biological treatment or reduction in existing treatment facilities, including but not limited to nonbiodegradable complex carbon compounds.
 - (xxi) Wastewater containing any organic compounds of endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acid or other herbicides, pesticides or rodenticides.
- (c) When the Company determines that a User is contributing to the Treatment Works any of the above enumerated substances in such amounts as to cause Pass Through or Interference with the operation of the Treatment Works and/or the Treatment Plant, the Company will: (1) notify the User of the impact of the contribution on the Treatment Works and/or the Treatment Plant; (2) develop effluent limitation(s), as needed, for the User to correct the Pass Through or Interference with the Treatment Works and/or the Treatment Plant; and (3) proceed if necessary with enforcement pursuant to the provisions of these rules.
- (d) Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they have a reasonable potential to be discharged to the Treatment Works.

2.2 National Categorical Pretreatment Standards

- (a) The National Categorical Standards found at 40 CFR Chapter I, Subchapter N, Parts 404-471 are hereby incorporated by reference. Any Industrial User that would be a categorical industrial user under the provisions of one or more Categorical Standards if it were discharging to a POTW is a Significant Industrial User under these rules and is required to obtain an Industrial Waste Discharge Permit as described in Section 4. The IWDP will reflect the effluent limitations and standards of the pertinent Categorical Standard(s). Although the Company is not subject to EPA's pretreatment regulations, the Company will use pertinent standards and requirements contained in 40 CFR, Chapter I, Subchapter N, part 403 as guidance in administering and applying the Categorical Standards. Any Categorical Standard or Local Limit, if more stringent than the limitations imposed under an Industrial Waste Discharge Permit, shall immediately supersede the limitations imposed under the IWDP.
- (b) Where a Categorical Standard is expressed only in terms of either the mass or the concentration of a Pollutant in wastewater, the Company may impose equivalent concentration or mass limits as provided in 40 CFR 403.6(c).
- (c) When wastewater subject to a Categorical Standard is mixed with wastewater not regulated by the same standard, the Company shall impose an alternate limit using the Combined Waste Stream Formula in 40 CFR 403.6(e).

2.3 Modification of National Categorical Pretreatment Standards

The Company may modify specific limits in a Categorical Pretreatment Standard where appropriate for purposes of these rules or an Industrial Waste Discharge Permit. Although not subject to EPA's pretreatment regulations, the Company will utilize the standards and requirements contained in 40 CFR, Chapter I, subchapter N, Part 403 generally, and particularly section 403.7 (removal credits), 403.13 (fundamentally different factors), and 403.15 (net limits), as guidance in considering any such modifications.

2.4 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in these rules.

2.5 Specific Pollutant Discharge Limitations – Local Limits

- (a) All Industrial Users shall be subject to the Specific Pollutant Discharge Limitations applicable to relevant system specified in Schedule 2.
- (b) The Specific Pollutant Discharge Limitations are the highest allowable concentration in any type of sample, either a grab or composite, collected over any time interval, unless otherwise specified in an Industrial Waste Discharge Permit.

- (c) The Specific Pollutant Discharge Limitations apply at the point where the wastewater is discharged to the Treatment Works or at the point designated by the Company.
- (d) The Company reserves the right to allocate among Users the total loading applicable to a particular Pollutant by establishing maximum daily industrial concentrations specific to each User, provided that the Total Maximum Allowable Daily Industrial Load specified in Schedule 2 is not exceeded.
- (e) In addition to Industrial Users, the Company reserves the right to apply the Specific Pollutant Discharge Limitations to any User's wastewater discharge which is not composed strictly of Domestic Sewage.
- (f) The Company reserves the right to establish alternate Specific Pollutant Discharge Limitations in Industrial Waste Discharge Permits in order to protect against Pass Through or Interference or to assure that the Company complies with its National Pollutant Discharge Elimination System permit and Federal and State law. The Specific Pollutant Discharge Limitations, if more stringent than the National Categorical Standards, shall immediately supersede the National Categorical Standards.
- (g) The Company may develop BMPs in Industrial Waste Discharge Permits, to implement Local Limits and the requirements of Section 2.1.

2.6 Reservation of Right to Impose More Stringent Requirements

The Company reserves the right to establish in Industrial Waste Discharge Permits, more stringent limits or requirements on discharges to the Treatment Works, if deemed necessary, consistent with the purpose of these rules.

2.7 Dilution

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 unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Company 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.

2.8 Compliance with Applicable Pretreatment Requirements

Compliance with these rules and permits or compliance or cessation directives issued hereunder does not relieve the Industrial User from its obligations regarding compliance with any and all applicable local, State, and Federal standards and requirements including any such standard or requirement that may become effective during the term of a permit or directive or these rules.

2.9 Spill Prevention and Contingency Plan

- (a) All Significant Industrial Users, and those Industrial Users identified by the Company shall provide protection from any discharge that could cause a problem to the Treatment Works, whether intentional or accidental. Facilities, equipment, and material to prevent these accidental or non-routine discharges shall be provided and maintained at the Owner or Industrial User's own cost and expense. Such plans shall be prepared in accordance with DEP's Guidelines for the Development and Implementation of Environmental Emergency Response Plans (the "DEP PPC Guidelines"). Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Company, the City or Municipal Emergency Management Coordinator, and the County Emergency Management Coordinator, for review and comment, before the implementation of this plan. The plan shall comply with the DEP PPC Guidelines and contain at least the following elements:
 - (i) A description of discharge practices, including non-routine batch discharges;
 - (ii) A list and description of stored chemicals;
 - (iii) Procedures for promptly notifying the Company of Slug Discharges, including any discharge that would violate a specific prohibition under these rules, with procedures for follow-up written notification within five days;
 - (iv) Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures of containing Toxic Pollutants (including solvents), and/or measures and equipment for emergency response; and
 - (v) If necessary, follow-up practices to limit the damage suffered by the Treatment works or the environment.
- (b) All existing Significant Industrial Users shall complete such a plan within six (6) months of notice to do so by the Company. No Industrial User who commences contribution to the wastewater system after the effective date of these rules shall be permitted to introduce Pollutants into the system until spill prevention and contingency plans have been approved by the Company. Review and approval of such plans and operating procedures shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of these rules.
- (c) In the case of an accidental or intentional discharge, or Slug Loading, it is the responsibility of the Industrial User to immediately notify the Company of the incident. The notification shall include location of discharge, type of waste, concentration and volume, and corrective actions.

- (d) All Significant Industrial Users are required to immediately notify the Company of any changes at its facility affecting the potential for a Slug Discharge.

2.10 Hauled Wastewater

- (a) Septic tank waste may be introduced into the Treatment Works only at locations designated by the Company, and at such times as are established by the Company. Such waste shall not violate Section 2 of these rules or any other requirements established by the Company. The Company may require septic tank waste haulers to obtain individual wastewater discharge permits.
- (b) The Company may require haulers of Industrial Waste and/or generators of hauled Industrial Waste to obtain individual Industrial Waste Discharge Permits. The Company also may prohibit the disposal of hauled Industrial Waste. The discharge of hauled Industrial Waste is subject to all other requirements of these rules.
- (c) Industrial Waste haulers may discharge loads only at locations designated by the Company. No load may be discharged without prior consent of the Company. The Company may collect samples of each hauled load to ensure compliance with applicable Standards. The Company 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.

2.11 Accidental Discharges/Slug Loads

- (a) Each Industrial User shall provide protection from accidental discharges/Slug Loads of prohibited materials or other substances regulated by these rules. Where facilities are provided to prevent accidental discharges/Slug Loads of prohibited materials, these facilities shall be provided and maintained at the Industrial User's own cost and expense.
- (b) In the case of an accidental discharge/Slug Load, it shall be the responsibility of the Industrial User, upon discovery, and after assessing the situation and taking initial corrective action, to immediately telephone and notify the Company of the incident in accordance with Section 6.6 below, and to provide a follow-up report as required thereby.

2.12 Accidental Discharge/Slug Control Plans

An accidental discharge or slug control plan, in a form that complies with 40 CFR §403.8(f)(2)(vi), shall be required, as follows:

- (a) For New Source Industrial Users: Detailed plans showing facilities and operating procedures to provide protection from accidental discharges or Slug Loads shall be submitted to the Company for review as part of the IWDP application, and shall be approved by the Company before construction of the facility.
- (b) For existing Industrial Users: The Company shall evaluate whether each Industrial User needs a new or updated accidental discharge/slug control plan. Should the Company require the industrial user to develop, submit for approval, and implement a new or updated accidental discharge/slug control plan, the accidental discharge/slug control plan shall address, at a minimum, the following:
 - (i) Description of discharge practices, including non-routine batch discharges;
 - (ii) Description of stored chemicals;
 - (iii) Procedures for immediately notifying the Company of any accidental or slug discharge, as required by Section 2.11; and
 - (iv) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall 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.
- (c) When an existing Industrial User is required by the Company to provide and/or modify an accidental discharge/slug control plan, the Industrial User shall provide the plan within sixty (60) days of notification. Should the plan require construction or implementation of measures to meet compliance, the plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the Company within thirty (30) days of the date of notification. Failure to submit a revised plan and/or failure to provide a complete plan after the 30 day submission period may render the Industrial Waste Discharge Permit void.
- (d) The Company's review and approval of accidental discharge/slug control plans shall not relieve the Industrial User from the responsibility to modify the Industrial User's facility as necessary to meet the requirements of this Section.
- (e) If not specifically required by the Company, the information, requirements, etc., called for in a plan are not waived by the Company and the Industrial User shall provide all necessary items, procedure, etc., to prevent any accidental discharge and/or slug discharge to the Treatment Works.

- (f) An approved State pollution prevention plan may substitute for all or a portion of the contents of an accidental discharge/sluc control plan to the extent that it satisfies the requirements described herein.
- (g) All Users are required to notify the Company immediately of any changes at its facility affecting the potential for a Slug Discharge.

2.13 Notification Requirement

All Industrial Users shall notify the EPA Regional Waste Management Director, the State hazardous waste authorities, and the Company, in writing, of any discharges into the wastewater system greater than 15 kilograms (33 pounds) of a substance, which, if otherwise disposed of would be a hazardous waste under 40 CFR Part 261. Discharge of more than 15 kilograms of non-acute hazardous waste in a calendar month or of any quantity of acute hazardous waste as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification for each hazardous waste discharged. The Company must be notified of any subsequent changes and/or additions to the hazardous waste discharges. For Industrial Users commencing discharge after July 24, 1990, this notification must be received within 180 days of commencement of discharge. Each notifying Industrial User shall also submit a statement certifying that it has a program in place to reduce the volume and toxicity of wastes generated to the extent that it is economically practical.

2.14 Drainage of Water Filtration Systems

Filter back-wash may be discharged to the Sewer System only as follows:

- (a) Sand filter back-wash may be discharged to the Sewer System.
- (b) Diatomaceous earth filter back-wash, if discharged to the Sewer System, shall be connected to the Sewer System through settling tanks with no less than three (3) months storage capacity of spent diatomaceous earth, which tanks shall be readily accessible for removing solid waste for disposal.

2.15 Removal, Transportation, and Disposal of Sewage and Industrial Wastes

- (a) Any waste to be discharged from tank trucks or rail car shall be disposed at the location designated by the Company at the Treatment Plant at the time or times, and at a rate or rates of discharge, fixed by the Company.
- (b) The wastes discharged by the tank trucks or rail car at the Treatment Plant shall not contain Industrial Waste, chemicals, or other matter, with or without Pretreatment, that does not conform to the requirements of these rules. Conformity with these rules is to be determined by the Company.

Section 3. PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities – General

Users shall provide wastewater treatment as necessary to comply with these rules and shall achieve compliance with all Categorical Pretreatment Standards, Local Limits, and the prohibitions set out in Section 2.1 of these rules within the time limitations specified by EPA, the State, or the Company, whichever is more stringent. Any facilities necessary for compliance, including the design, construction, operation, and maintenance of these facilities, shall be at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Company for review, and shall be acceptable to the Company 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 Company under the provisions of these rules.

3.2 Proper Operation and Maintenance

The User shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the User to achieve compliance with these rules. Proper operation and maintenance includes but is not limited to: effective performance, adequate funding, adequate operator staffing and training, and adequate laboratory and process control, including appropriate quality assurance procedures. This provision requires the operation of back-up or auxiliary procedures only when necessary to achieve compliance with these rules.

3.3 Duty to Halt or Reduce Activity

Upon reduction of efficiency of operation, or loss or failure of all or part of the treatment system, the User shall, to the extent necessary to maintain compliance with these rules, control its production or discharges (or both) until operation of the treatment system is restored or an alternative method of treatment is provided. It shall not be a defense for the User that it would have been necessary to halt or reduce an activity in order to maintain compliance with these rules.

3.4 Bypass of Treatment Facilities

- (a) Bypass of treatment systems is prohibited unless it is unavoidable to prevent loss of life, personal injury, or severe property damage and no feasible alternative exists.
- (b) The User may allow Bypass to occur which does not cause the effluent limitations to be exceeded, but only if it is also for essential maintenance to assure *efficient* operation.
- (c) Notification of Bypass:
 - (i) Anticipated Bypass. If the User knows in advance of the need for Bypass, it shall submit prior written notice, at least ten (10) days before the date of the Bypass, to the Company.
 - (ii) Unanticipated Bypass. The User shall immediately notify the Company and submit a written notice to the Company within five (5) days. This report shall specify:
 - 1) A description of the Bypass, and its cause, including its duration;

- 2) Whether the Bypass has been corrected; and
- 3) The steps being taken or to be taken to reduce, eliminate, and prevent a reoccurrence of the Bypass.

3.5 Damage Liability

The person producing and/or introducing the waste shall be liable for all damages, increased costs of treatment, maintenance, or other costs directly attributable to such waste.

3.6 Disposal Sludges

Sludges, floats, oils, etc., generated by Industrial Users must be contained and transported in a safe manner as prescribed by the rules of regulatory agencies, including, but not limited to, the U.S. Department of Transportation and handled by reputable Persons who shall dispose of all such wastes in accordance with all Federal, State, and local regulations. The Owner of such sludges, floats, oils, etc., shall keep records and receipts needed to demonstrate proper disposal for review by the Company upon request.

3.7 Additional Pretreatment Measures

- (a) Grease, oil and sand interceptors or traps shall be provided in restaurants, food preparation facilities, commercial kitchens, vehicle and equipment repair shops, machine shops, swimming pools or water treatment facilities, whose discharge would, in the opinion of the Company, exceed any of the Local Limits specified in Schedule 2 or otherwise cause Interference.. All interceptors or traps shall be of the type and capacity acceptable to the Company, shall be located as to be readily and easily accessible for cleaning and inspection.
- (b) The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted upon the condition that no mechanical garbage grinder to serve premises used for commercial purposes shall be installed until permission for such installation shall have been obtained from the Company.
- (c) Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

Section 4. INDUSTRIAL WASTE DISCHARGE PERMITS

4.1 Wastewater Analysis

Upon receipt of the permit application from the Company, a User will have forty-five (45) days, unless extended by the Company for good reason, to return the permit application completed and signed by an Authorized Representative of the User, which must include information on the nature and characteristics of its wastewater. The Company may periodically require Users to update this information.

4.2 Permit Requirements

- (a) No Significant Industrial User shall discharge wastewater into the Treatment Works without first obtaining an Industrial Waste Discharge Permit from the Company.
- (b) No person discharging Industrial Waste to the Company's Sewer System shall undertake any Significant Wastewater Modification without first notifying the Company and obtaining a new or amended Industrial Waste Discharge Permit from the Company, except as authorized by the Company in accordance with the provisions of these rules.
- (c) The Company may require that other Users obtain Industrial Waste Discharge Permits as necessary to carry out the purposes of these rules.
- (d) Any violation of the terms and conditions of an Industrial Waste Discharge Permit shall be deemed a violation of these rules and subjects the wastewater discharge permittee to the sanctions set out in Section 8 through Section 10 of these rules. Obtaining an Industrial Waste Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State Standards or Requirements or with any other requirement of Federal, State, and local law.
- (e) At the discretion of DEP, a Significant Industrial User may be required to obtain an individual NPDES permit from DEP to authorize its discharge to the Treatment Works.
- (f) In the case of complete separation of Domestic Sewage from Industrial Wastes within an establishment, with only Domestic Sewage discharged to the Sanitary Sewer, no Industrial Waste Discharge Permit shall be required. The Company retains the right to verify discharge characteristics and inspect the establishment.

4.3 Permitting: Existing Connections

All existing Industrial Users presently permitted on the effective date of these rules will receive written notice from the Company that the terms and conditions of the permit presently in place will remain in force until the termination date of the permit, subject to any renewal of or change in the permit in accordance with these rules. Such notice also shall specify that continued discharge to the Company's Sewer System for thirty (30) days after receipt of such notice shall constitute acceptance of the continuation of such permit under the administration and enforcement of the Company pursuant to these rules and acknowledgement that renewal of such permit shall be in accordance with these rules.

4.4 Permitting: New Connections

Any User required to obtain an Industrial Waste Discharge Permit who proposes to begin or recommence discharging into the Treatment Works must obtain such permit prior to the beginning or recommencing of such discharge. An application for this IWDP, in accordance with Section 4.5, must be filed at least 180 days prior to the date upon which any discharge will begin or recommence.

4.5 Permit Application Contents

- (a) All Users required to obtain an Industrial Waste Discharge Permit must submit a permit application. The Company may require Users to submit all or some of the following information as part of a permit application:
 - (i) Identifying Information
 - 1) The name and address of the facility, including the name of the Operator and Owner, and location (if different from the mailing address); and
 - 2) Contact information, description of activities, facilities, and plant production processes on the premises.
 - (ii) Environmental Permits. A list of any environmental control permits held by or for the facility.
 - (iii) Description of Operations
 - 1) A brief description of the nature, rate of production (including each product produced by type, amount, processes, and rate of production), and Standard Industrial Classifications (SIC number) of the operation(s) carried out by such User, including a schematic process diagram, which indicates points of discharge to the Treatment Works from the regulated processes;
 - 2) Description of activities, facilities, and plant processes on the premises and types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility, including all Material Safety Data Sheets (MSDS), which are, or could accidentally or intentionally be, discharged to the Treatment Works;
 - 3) Number and type of employees, hours of operation, and proposed or actual hours of operation;

- 4) Type and amount of raw materials processed (average and maximum per day);
 - 5) Site plans, floor plans, mechanical and plumbing plans, spill prevention and containment, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge. These site plans shall be signed by an Authorized Representative of the User that is familiar with the information and its accuracy. It is recommended that the above information be signed and sealed by a Professional Engineer, who is licensed in the Commonwealth of Pennsylvania, to ensure compliance with sound engineering principles and all applicable Federal, State, and local codes and statutes.
- (iv) Time and duration of discharges.
- (v) The location for monitoring all wastes covered by the permit.
- (vi) Flow Measurement. Information showing the measured average daily, maximum daily, and 30 minute flow rates, in gallons per day, including daily, monthly, and seasonal variations if any, to the Treatment Works from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2 (40 CFR 403.6(e)).
- (vii) Measurement of Pollutants
- 1) The Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources.
 - 2) For all Industrial Users subject to Categorical Standards, any other information required in a Baseline Monitoring Report as stated in 40 CFR 403.12(b).
 - 3) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Company, of regulated Pollutants in the discharge from each regulated process.
 - 4) Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported.
 - 5) 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. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Company or the applicable Standards to determine compliance with the Standard.

- 6) Sampling must be performed in accordance with procedures set out in Section 6.9 and 6.10 of these rules.
- 7) In instances where an industrial user has not yet begun operation (and therefore, wastewater constituents and characteristics are unknown), submission of comparable data from similar industries will be accepted for permit application purposes.

(viii) Where known, the nature and concentration of any Pollutants in the discharge which are limited by these rules, State regulations, or Categorical Pretreatment Standards, and a statement certified by a qualified professional regarding whether or not the Standards are being met on a consistent basis and, if not, whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet applicable Categorical Pretreatment Standards or Local Limits.

(ix) If additional Pretreatment and/or operation and maintenance will be required to meet the Categorical Pretreatment Standards or Local Limits, an expeditious schedule by which the Industrial User will provide such additional Pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Categorical Pretreatment Standard or, in the case of Local Limits, such a date as determined by the Company. The following conditions shall apply to this schedule:

- 1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Industrial User to meet the applicable Pretreatment Standards (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
- 2) Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial user shall submit a progress report to the Company including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for

delay, and the steps being taken by the Industrial User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to the Company.

- (x) Any other information as may be deemed necessary by the Company to evaluate the permit application.
- (b) Incomplete or inaccurate applications will not be processed and will be returned to the User for revision.
- (c) Applicants wishing to claim confidentiality of information required in the application shall indicate on the application which information is of a confidential nature. Wastewater constituents and characteristics shall not be considered as confidential information.

4.6 Permitting: General Permits

- (a) At the discretion of the Company, the Company may use general permits to control SIU discharges to the Treatment Works, if the following conditions are met. All facilities to be covered by a general permit must:
 - (i) Involve the same or substantially similar types of operations;
 - (ii) Discharge the same type of wastes;
 - (iii) Require the same effluent limitations;
 - (iv) Require the same or similar monitoring; and
 - (v) In the opinion of the Company, be more appropriately controlled under a general permit than under individual Industrial Waste Discharge Permits.
- (b) Users that are eligible may request coverage by a general permit under this section in lieu of an Industrial Waste Discharge Permit.
- (c) To be covered by the general permit, the SIU must file a written request for coverage that identifies its contact information, production processes, the types of wastes generated, the location for monitoring all wastes covered by the general permit, any requests for a monitoring waiver for a Pollutant neither present nor expected to be present in the Discharge, and any other information the Treatment Works deems appropriate. A monitoring waiver for a Pollutant neither present nor expected to be present in the discharge is not effective in the general permit until after the Company has provided written notice to the SIU that such a waiver request has been granted.

- (d) The Company will retain a copy of the general permit, documentation to support the Treatment Work's determination that a specific SIU meets the criteria in Section 4.6(a) and applicable State regulations, and a copy of the User's written request for coverage for three (3) years after the expiration of the general permit.
- (e) The Company may not control an SIU through a general permit where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of Pollutant discharged per day or for SIUs whose limits are based on the Combined Wastestream Formula (Section 2.2(b)) or Net/Gross calculations (Section 2.3).

4.7 Trucked or Hauled Wastewater Permit

- (a) Any person trucking or hauling wastewater to the Treatment Works must first obtain a septage discharge permit.
- (b) The following prohibitions apply to all trucked or hauled wastewater:
 - (i) All wastes are to be discharged only at the designated location contained in the User's septage discharge permit.
 - (ii) All loads are to be sampled and approved prior to discharge.
 - (iii) Only sanitary septic wastes are to be discharged unless prior written approval is given.

4.8 Application Signatories and Certifications

- (a) All wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 6.13.
- (b) If the designation of an Authorized Representative of the User 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 Company prior to or together with any reports to be signed by the Authorized Representative of the User.
- (c) A facility determined to be a NSCIU by the Company must annually submit the signed certification statement in Section 6.13.

4.9 Permit Decisions

The Company will evaluate the data furnished by the User and may require additional information. The Company may deny any application for an Industrial Waste Discharge Permit, if the application or discharge does not comply with the requirements of these rules or applicable Federal and State laws and regulations.

4.10 Permit Renewal

- (a) A User with an expiring Industrial Waste Discharge Permit shall apply for permit reissuance by submitting a permit application, in accordance with Section 4.5 of these rules, a minimum of one hundred twenty (120) days prior to the expiration of the User's existing permit, unless the deadline is extended in writing by the Company. It is the responsibility of the User to request an IWDP application form no less than 150 days prior to the expiration of the existing IWDP.
- (b) In the event that a timely and complete application to renew an Industrial Waste Discharge Permit has been submitted and the IWDP cannot be reissued before the expiration date, through no fault of the User, the terms and conditions of the existing IWDP will be automatically continued and will remain fully effective and enforceable pending the granting or denial of the application for IWDP renewal.

Section 5. **INDIVIDUAL INDUSTRIAL WASTE DISCHARGE PERMIT ISSUANCE**

5.1 Permit Duration

Industrial Waste Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than five (5) years at the discretion of the Company. Each IWDP will indicate a specific date upon which it will expire.

5.2 Permit Contents

- (a) Industrial Waste Discharge Permits shall be expressly subject to all provisions of these rules, all Industrial User charges and fees established by the Company, and such other conditions as are deemed reasonably necessary by the Company 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 Treatment Works.
- (b) Industrial Waste Discharge Permits may contain any or all of the following:
 - (i) A statement that indicates the IWDP issuance date, expiration date and effective date.
 - (ii) A statement that the IWDP is nontransferable without prior notification to the Company in accordance with Section 5.5 of these rules, and provisions for furnishing the new Owner or Operator with a copy of the existing IWDP.
 - (iii) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards.
 - (iv) Identification of all applicable Categorical Pretreatment Standards, including the applicable subclassifications.
 - (v) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of Pollutants (or best management practices) to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law, as well as requirements that, in the event that sampling by a User indicates a violation, the User must notify the Company within 24 hours of becoming aware of the violation and the User must resample and submit results of this resampling to the Company within 30 days of becoming aware of the violation. As provided by 40 CFR 403.12(o), Users must keep records for a minimum of three (3) years or longer in case of unresolved litigation or when requested by the Company or EPA. The User shall make such records available to the Company for inspection and copying.

- (vi) A statement of fees 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.
 - (vii) Requirements to control Slug Discharge, if determined by the Company to be necessary.
 - (viii) Requirements for notification of facility changes that affect the potential for Slug Discharges.
- (c) Industrial Waste Discharge Permits may contain, but need not be limited to, the following conditions:
- (i) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization.
 - (ii) 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.
 - (iii) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
 - (iv) Development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the Treatment Works.
 - (v) The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the Treatment Works.
 - (vi) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices.
 - (vii) A statement that compliance with the IWDP 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 IWDP.
 - (viii) Requirements for notification to the Company for any Significant Wastewater Modification.
 - (ix) Requirements for submission of technical reports or discharge reports. All Baseline Monitoring Reports, 90-Day Compliance Reports, and periodic compliance reports must be certified by a qualified professional and must be signed by an Authorized Representative of the User and must contain the certification statement in Section 6.13.

The periodic compliance reports will be required a minimum of twice a year, indicating the nature and concentration of Pollutants in the discharge as well as a record of flows.

5.3 Waste Characteristic or Volume Change

Any User who contemplates a change in materials, processes or method of the industrial operation producing the waste, or in the pretreatment facilities, which change will result in a Significant Wastewater Modification, shall provide notice to the Company pursuant to Section 6.5, below, at least ninety (90) days prior to such change. If an Industrial Waste Discharge Permit application is required, the application will be subject to a fee and will be processed in accordance with the procedures established above. If the application is approved, the Company may modify the existing IWDP or issue a new IWDP, at its discretion. No contemplated changes in materials, processes, methods or facilities may be implemented until the Company has approved the application and either modified the existing IWDP or issued a new IWDP, or has determined in writing that no IWDP application is required.

5.4 Permit Modification

- (a) The Company may modify an Industrial Waste Discharge Permit for good cause, including, but not limited to, the following reasons:
 - (i) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements. When additional and/or new National Categorical Pretreatment Standards are promulgated, any User subject to such additional or new Standards shall apply for an Industrial Waste Discharge Permit, or a modification to an existing IWDP, within 180 days of the promulgation of such Standard;
 - (ii) To address significant alterations or additions to the Users operation, processes, or wastewater volume or character since the time of the IWDP issuance;
 - (iii) A change in the Treatment Works that requires either a temporary or permanent reduction or elimination of the authorized discharge;
 - (iv) Information indicating that the permitted discharge poses a threat to the Company's collection and treatment system, personnel or the receiving stream;
 - (v) Violation of any terms or conditions of the IWDP;
 - (vi) Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
 - (vii) Revision of or a grant of variance from Categorical Pretreatment Standards as provided in 40 CFR 403.13;
 - (viii) To correct typographical or other errors in the IWDP;

- (ix) To reflect a transfer of the facility ownership or operation to a new Owner or Operator where requested in accordance with Section 5.5; or
 - (x) Upon request of the permittee, provided such a request does not create a violation of any applicable requirements, standards, laws, or rules and regulations.
- (b) The filing of a request by the permittee for a permit modification does not stay or suspend any permit condition.
 - (c) The Company will act in a timely manner on any request for permit modification.
 - (d) The User shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. Any changes or new conditions in the permit may include a reasonable time schedule for compliance in the event that compliance cannot reasonably be achieved in 30 days.

5.5 Permit Transfer

- (a) Industrial Waste Discharge Permits may be transferred to a new Owner or Operator only if the permittee gives at least forty (40) days advance notice to the Company and the Company approves the IWDP transfer. The notice to the Company must include a written certification by the new Owner or Operator which:
 - (i) States that the new Owner and/or Operator has no immediate intent to change the facility's operations and processes;
 - (ii) Identifies the specific date on which the transfer is to occur; and
 - (iii) Acknowledges full responsibility for complying with the existing IWDP.
- (b) Within ten (10) days of receiving an IWDP transfer notice, the Company will determine if the notice is administratively complete and issue to the permittee either an acknowledgement of completeness or a letter specifying any deficiencies. If a permit transfer notice is deficient, the permittee shall cure the deficiencies and resubmit the notice, which the Company then, within ten (10) days, will review again for completeness and issue to the permittee either an acknowledgement of completeness or a letter specifying any deficiencies.
- (c) The Company will approve or disapprove a permit transfer within thirty (30) days of issuing an acknowledgement of completeness of the notice, and approval of such transfer shall not be unreasonably withheld by the Company.
- (d) Failure to provide advance notice of a transfer renders the Industrial Waste Discharge Permit void as of the date of facility transfer.

5.6 Appeals

- (a) The permittee may appeal to the Company to reconsider the terms of an Industrial Waste Discharge Permit within thirty (30) days of receipt of the permit. This appeal must be in writing and must indicate the permit provisions objected to, the reasons for the objection, and the alternative condition, if any, sought to be placed in the permit.
- (b) The effectiveness of the permit shall not be stayed pending reconsideration by the Company.
- (c) The Company, with the direct involvement of a Vice President, will review the appeal and other pertinent information and determine if any amendment to the permit is warranted.
- (d) If the Company determines that an amendment is warranted, it will issue an amended Industrial Waste Discharge Permit; if the Company determines that no amendment is warranted, it will so notify the permittee.
- (e) The Company will act in a timely manner on any appeal.

5.7 Permit Revocation

- (a) The Company may revoke an Industrial Waste Discharge Permit for good cause, including, but not limited to, the following reasons:
 - (i) Failure to provide prior notification to the Company of a Significant Wastewater Modification pursuant to Section 6.5 of these rules;
 - (ii) Failure to factually report the wastewater constituents and characteristics of a discharge or misrepresentation of relevant facts in an application for an IDWP;
 - (iii) Falsifying self-monitoring reports and certification statements;
 - (iv) Tampering with monitoring equipment;
 - (v) Refusing to allow the Company reasonable and timely access to the facility premises (for purposes of compliance inspection, records review, sampling or monitoring) or records;
 - (vi) Failure to pay fees or sewer charges;
 - (vii) Failure to meet compliance schedules;
 - (viii) Failure to complete a wastewater survey or the wastewater discharge permit application;
 - (ix) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or

- (x) Serious or repeated violation of any Pretreatment Standard or Requirement or any term or condition of an IWDP or these rules (the Company will refer to pertinent standards adopted by EPA as guidance in administering this provision).
- (b) If an IDWP is revoked, the Company may take steps it deems advisable, including severance of the sewer connection to terminate the discharge, in order to promote compliance with these rules.
- (c) Prior to revocation of an IWDP or termination of a discharge, the Company will provide notice to the User of the proposed revocation or termination and reasonable opportunity for the User to show cause why the proposed action should not be taken. The Company, with the direct involvement of a Vice President, will review the information presented by the User and other pertinent information and determine if revocation of the permit is warranted.

5.8 Regulation of Waste received from Other Jurisdictions

The regulation of wastes received from municipalities or municipal authorities outside of the Company's Treatment Works delivered via bulk or wholesale service connections to the Company's Treatment Works shall be accomplished through the use of a bulk service agreements under which the municipality or municipal authority seeking to discharge wastewater into the Company's Treatment Works commit to adopt, diligently enforce, and regularly update the IPP rules through the use of municipal ordinances or municipal authority regulations, equal to or more stringent than these IPP rules. Such bulk or wholesale service agreements with municipalities or municipal authorities are subject to approval by the PUC and other regulatory approvals. The municipality or municipal authority connecting to the Company's Treatment Works shall furnish to the Company copies of the required municipal ordinances, municipal authority regulations and any amendments thereto.

Section 6. REPORTING REQUIREMENTS

6.1 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 Industrial Users currently discharging to or scheduled to discharge to the Treatment Works shall submit to the Company a report which contains the information listed in paragraph (b), below. At least ninety (90) days prior to commencement of their discharge, New Sources, and sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Company a report which contains the information listed in paragraph (b), below. A New Source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards. A New Source also shall give estimates of its anticipated flow and quantity of Pollutants to be discharged using forms approved by the Company.
- (b) Users described above shall submit the information set forth below.
 - (i) All information required in Sections 4.5(a)(i)1), 4.5(a)(ii), 4.5(a)(iii)1), and 4.5(a)(vi).
 - (ii) Measurement of Pollutants.
 - 1) The User shall provide the information required in Section 4.5(a)(vii)1) through 4.5(a)(vii)4)
 - 2) The User shall take a minimum of one representative sample to compile that data necessary to comply with the requirements of this paragraph.
 - 3) Samples should be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated process if no pretreatment exists. If other wastewaters are mixed with the regulated wastewater prior to pretreatment , the User should measure the flows and concentrations necessary to allow use of the combined wastestream formula in 40 CFR 403.6(e) to evaluate compliance with the Pretreatment Standards. Where an alternate concentration or mass limit has been calculated in accordance with 40 CFR 403.6(e) this adjusted limit along with supporting data shall be submitted to the Company;
 - 4) Sampling and analysis shall be performed in accordance with Section 6.9 and 6.10;

- 5) The Company may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures;
 - 6) The baseline report shall indicate the time, date and place of sampling and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected Pollutant Discharges to the Treatment Works.
- (iii) Compliance Certification. A statement, reviewed by the Authorized Representative of the User and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
 - (iv) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards, an expeditious schedule by which the User will provide such additional pretreatment and/or O&M must be provided. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in Section 6.2 of these rules.
 - (v) Signature and Report Certification. All baseline monitoring reports must be certified in accordance with Section 6.13 of these rules and signed by an Authorized Representative of the User.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(b)(iv) of these rules.

- (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) The User shall submit a progress report to the Company 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, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and

- (c) In no event shall more than nine (9) months elapse between such progress reports to the Company.

6.3 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 Treatment works, any User subject to such Pretreatment Standards and Requirements shall submit to the Company a report containing the information described in Sections 4.5(a)(vi), 4.5(a)(vii) and 6.1(b)(ii) of these rules. 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 6.13 of these rules. All sampling will be done in conformance with Section 6.10.

6.4 Periodic Compliance Reports

- (a) All Significant Industrial Users must submit reports to the Company, at a frequency determined by the Company and as contained in the Industrial Waste Discharge Permit, indicating the nature, 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 BMPs or pollution prevention alternatives, the User must submit documentation required by the Company or the Pretreatment Standard necessary to determine the compliance status of the User.
- (b) All periodic compliance reports must be signed and certified in accordance with Section 6.13 of these rules.
- (c) 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.
- (d) If a User subject to the reporting requirement in this section monitors any regulated Pollutant at the appropriate sampling location more frequently than required by the Company, using the procedures prescribed in Section 6.10 of these rules, the results of this monitoring shall be included in the report.
- (e) Significant Industrial Users not subject to Categorical Pretreatment Standards under these rules shall submit these reports as specified by the SIU's Industrial Waste Discharge Permit.

6.5 Reports of Changed Conditions

- (a) Each User must notify the Company of any Significant Wastewater Modification at least ninety (90) days before the change.
- (b) The Company may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an Industrial Waste Discharge Permit application.
- (c) The Company may issue a new Industrial Waste Discharge Permit or modify an existing IWDP in response to changed conditions or anticipated changed conditions.

6.6 Reports of Potential Problems

- (a) In the case of any discharge, including, but not limited to , an accidental discharge, a discharge of a non-routine, episodic nature, a non-customary batch discharge, or a Slug Discharge or Slug Load, that might cause potential problems for the Treatment Works, the User, upon discovery, and after assessing the situation and taking initial corrective action, shall immediately telephone and notify the Company of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and initial corrective actions taken by the User.
- (b) Within five (5) days following such discharge, the User shall, unless waived by the Company, submit a detailed written report including the date, time and duration of the discharge and describing the cause(s) of the discharge, all corrective actions implemented or attempted, 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 might be incurred as a result of damage to the Treatment Works, natural resources, or any other damage to person or property; nor shall such notification relieve the User of any fees or other liability which may be imposed pursuant to these rules.
- (c) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in paragraph (a), above. Employers shall ensure that all employees are advised of the emergency notification procedure.
- (d) Significant Industrial Users are required to notify the Company immediately of any changes at its facility affecting the potential for a Slug Discharge.

6.7 Reports from Unpermitted Users

All Users not required to obtain an Industrial Waste Discharge Permit shall provide appropriate reports to the Company as the Company may require.

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by a User indicates a violation, the User must notify the Company within twenty-four (24) hours of becoming aware of the violation and submit to the Company within five (5) business days, unless otherwise specified, a detailed written report describing the discharge and the measures taken to prevent similar future occurrences. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Company within the current quarterly reporting cycle, however no later than thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the Company performs sampling at the User's facility at least once a month, or if the Company performs sampling at the User between the time when the initial sampling was conducted and the time when the User or receives the results of this sampling, or if the company has performed the sampling and analysis in lieu of the Industrial User.

6.9 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, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate 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 Company or other parties approved by EPA. The Company may specify appropriate alternative procedures in a User's Industrial Waste Discharge Permit.

6.10 Sample Collection

- (a) 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.
- (b) Except as indicated in subsections (c) and (d) 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 Company. Where time-proportional composite sampling or grab sampling is authorized by the Company, 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 Company, as appropriate. In addition, Grab Samples may be required to show compliance with Instantaneous Limits.

- (c) Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- (d) For sampling required in support of baseline monitoring and 90-day compliance reports required in Sections 6.1 and 6.4 [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 Company 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 with applicable Pretreatment Standards and Requirements.

6.11 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, including reports submitted by electronic mail, the date of receipt of the report shall govern.

6.12 Recordkeeping

Users subject to the reporting requirements of these rules shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these rules, 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 2.5(g). 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 five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Company, or where the User has been specifically notified of a longer retention period by the Company.

6.13 Certification Statements

- (a) Certification of Permit Applications, User Reports and Initial Monitoring Waiver – The following certification statement is required to be signed and submitted by Users submitting permit applications in accordance with Section 4.8; Users submitting baseline monitoring reports under Section 6.1(b)(v); 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. The following certification statement must be signed by an Authorized Representative of the User:

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.

- (b) A facility determined by the Company to be a NSCIU must annually submit the following certification statement signed an Authorized Representative of the User. This certification must accompany an alternative report required by the Company:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Categorical Pretreatment Standards under 40 CFR ____, I certify that, to the best of my knowledge and belief that during the period from _____, _____ to _____, _____ [months, days, year]:

- (a) The facility described as _____ [facility name] met the definition of a Non-Significant Categorical Industrial User as described in Section 1.4 of these rules; and
- (b) The facility complied with all applicable Pretreatment Standards and requirements during this reporting period; and (c) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period.

This compliance certification is based on the following information:

Section 7. FEES AND CHARGES

7.1 General

- (a) It is the purpose of this Section to identify for Users (i) the costs incurred by the Company for the implementation of the Pretreatment program established herein and (ii) the fees to be charged Users for the services provided hereunder.
- (b) Applicable charges and fees are set forth in the schedule of fees, attached hereto as Schedule 1, and include:
 - (i) Fees for Industrial Waste Discharge Permit applications including the cost of processing such applications;
 - (ii) Fees for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a User's discharge, and reviewing monitoring reports and certification statement submitted by Users;
 - (iii) Fees for reviewing plans, operating procedures, and monitoring reports for pretreatment facilities required by these rules;
 - (iv) Fees for construction oversight and responding to accidental discharges and non-compliance repair or maintenance;
 - (v) Fees for filing appeals;
 - (vi) Fees to recover administrative and legal costs associated with the enforcement activity taken by the Company to address Industrial User noncompliance; and
 - (vii) Other fees as the Company may deem necessary to carry out the requirements contained herein.
- (c) The fees and charges established pursuant to this Section 7 relate solely to the matters covered by these rules and are separate from all other fees, fines, and penalties chargeable by the Company.
- (d) If a User wishes to dispute the calculation of any fees assessed by the Company, it shall appeal to the Company, in writing, identifying the fees subject to dispute and the reason(s) they are disputed. The Company, acting in a timely manner with the direct involvement of a Vice President, will review the appeal and other pertinent information and determine if any adjustment to the fee is warranted and so advise the User. In the event that a User is not satisfied with the Company's determination on its appeal, the User may seek appropriate relief from the Commission.

7.2 Industrial Loading Fees, Excess Loading Fees, and Special Discharge Fees

- (a) Any user discharging wastewater with a concentration of any of substance listed on Schedule 2 greater than the limit identified on Schedule 2 when measured at the user's metering station(s) or control manhole shall be subject to an Industrial Loading Fee, an Excess Loading Fee, and/or a Special Discharge Fee for acceptance and treatment of the wastewater.
- (b) The amount of the Industrial Loading Fee, Excess Loading Fee, and/or Special Discharge Fee for each constituent shall be as determined by the Company, as set forth in Schedule 1, taking into account the flow and concentration of the constituent in the wastewater and the costs of treatment, solids handling, pumping, energy, manpower and other costs associated with the acceptance and treatment of the constituent in excess of the Local Limit or IWDP limit. The Industrial Loading Fee, Excess Loading Fee, and/or Special Discharge Fee for acceptance and treatment of the subject wastewater shall be in addition to any other charges and fees billed to the user.
- (c) The Company may amend the list of substances subject to Industrial Loading Fees, Excess Loading Fees, and/or Special Discharge Fees and the related concentration limits identified on Schedule 2 as necessary to account for the recovery of any special or additional expenditures required to accept and treat wastewater containing such substances in excess of the concentration limits.
- (d) These fees shall be payable by the Industrial User within forty-five (45) days of notification, or the Industrial User will be subject to such enforcement action deemed appropriate by the Company, including, but not limited to, termination of discharge and a revocation of the IWDP. Fees may be modified or amended as the Company deems necessary, subject to review and approval by the Commission to the extent required by the Code.

Section 8. COMPLIANCE

8.1 Right of Entry: Inspection and Sampling

- (a) The Company shall have the right to enter the premises of any User at all reasonable times to inspect the facility, perform sampling, review records, and take other actions necessary to determine whether the User is complying with all requirements of these rules and any Industrial Waste Discharge Permit or compliance directive issued hereunder.
- (b) The Company will sample and analyze the discharge of each Significant Industrial User holding an Industrial Waste Discharge Permit at least once per year; the costs of which shall be borne by the User. Users shall allow the Company 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.
- (c) 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 Company shall be permitted to enter without delay for the purposes of performing specific responsibilities. The User shall inform the Company of any applicable safety procedures that the Company must follow in any area, or which respect to any process, that is the subject of inspection, evaluation or other action by the Company.
- (d) The Company 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 User's operations.
- (e) The Company 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 at least one per year, and more frequently if necessary, to ensure their accuracy.
- (f) 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 Company and shall not be replaced. The costs of clearing such access shall be borne by the User.
- (g) Unreasonable delays in allowing the Company access to the User's premises shall be a violation of these rules.
- (h) If the Company has been refused any records or access to a building, structure, or property, or any part thereof, or if the Company believes that there is a need to inspect and/or sample as part of a routine or specific inspection and sampling program, designed to verify compliance with these rules or any permit or compliance directive issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Company may pursue any response

available to it under these rules and applicable law, including seeking issuance of a search warrant from the appropriate judicial authority.

8.2 Confidential Information

Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, Industrial Waste Discharge Permits, and monitoring programs, and from the Company'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 Company that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State or federal 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 at 40 CFR 2.302 shall not be recognized as confidential information and shall be available to the public without restriction.

Section 9. ADMINISTRATIVE ENFORCEMENT REMEDIES

9.1 General

Users of the Company's Treatment Works are obligated to comply with applicable provisions of these rules, Pretreatment Standards, and the terms and conditions of permits issued by the Company. Failure to comply with these requirements may lead to suspension or termination of service, permit revocation, assessment of costs, and/or legal action.

9.2 Emergency Response

- (a) The Company may immediately suspend a User's discharge and/or the Industrial Waste Discharge Permit of any User, upon notice to the User, whenever such suspension is necessary, in the opinion of the Company, in order to stop an actual or threatened discharge which presents or reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or the environment, causes or contributes to Interference or Pass Through, causes or contributes to a violation of any condition of the Company's NPDES permit, or threatens to interfere with the operation of the Treatment Works.
- (b) Any User notified of a suspension of its discharge shall immediately stop or eliminate its discharge to the Treatment Works. In the event of a User's failure to immediately comply voluntarily with the suspension notice, the Company may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the Treatment Works, its receiving stream, or endangerment to any individuals or the environment.
- (c) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement to the Company describing the causes of the harmful discharge and the measures taken to prevent any future occurrence. The detailed written statement shall be submitted to the Company within five (5) days of the first date of the occurrence.
- (d) The Company may reinstate the Industrial Waste Discharge Permit and/or the wastewater treatment service, and allow the User to recommence its discharge, upon demonstration by the User to the satisfaction of the Company that the non-complying discharge has been eliminated and that the period of endangerment has passed.

9.3 Notice of Violation

When the Company finds that a User has violated, or continues to violate, any provision of these rules, the terms and conditions of an Industrial Waste Discharge Permit, a compliance or cessation directive issued hereunder, or any Pretreatment Standard or Requirement, the Company may deliver to that User a written notice of violation stating the nature of the violation(s). Within the timeframe set forth in such notice, the User shall submit to the Company an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific remedial actions. Submission of such a plan in no way relieves the User of liability for any

violations occurring before or after receipt the notice. Nothing in this Section shall limit the authority of the Company to take any action, including emergency actions or any other enforcement action, without first issuing a notice of violation.

9.4 Compliance Directives

When the Company finds that a User has violated, or continues to violate, any provision of these rules, an Industrial Waste Discharge Permit, a compliance or cessation directive issued hereunder, or any Pretreatment Standard or Requirement, the Company may issue a compliance directive 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 directives 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 directive may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance directive relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance directive shall not be a bar against, or a prerequisite for, taking any other action against the User.

9.5 Cessation Directives

- (a) When the Company finds that a User has violated, or continues to violate, any provision of these rules, an Industrial Waste Discharge Permit, a compliance or cessation directive issued hereunder, or any Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Company may issue a directive to the User directing it to cease and desist all such violations and directing the User to:
 - (i) Immediately comply with all requirements; and
 - (ii) 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.
- (b) Issuance of a cessation directive shall not be a bar against, or a prerequisite for, taking any other action against the User.

9.6 Referral to the DEP

When the Company finds that the Industrial User has failed or is failing to meet Categorical Pretreatment Standards applicable under these rules or an Industrial Waste Discharge Permit, the Company may report the user to the DEP and recommend that the DEP require that the user obtain an individual NPDES permit to authorize its discharge.

Section 10. JUDICIAL ENFORCEMENT REMEDIES

10.1 Injunctive Relief and Civil Actions

When the Company finds that a User has violated, or continues to violate, any provision of these rules, an Industrial Waste Discharge Permit, a compliance or cessation directive issued hereunder, or any Pretreatment Standard or Requirement, the Company may petition the Lackawanna County Court for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the IWDP, directive, or other requirement imposed by these rules. The Company also may 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 or other judicial relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

10.2 Remedies Nonexclusive

The remedies provided for in these rules are not exclusive and the Company may take any, all, or any combination of actions against a noncompliant User. As a general policy, however, the Company will seek to resolve compliance matters informally with a User before pursuing formal enforcement proceedings..

Section 11. SEVERABILITY

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

Section 12. CONFLICT AND HEADINGS

All other rules or parts of rules inconsistent or conflicting with any part of these rules are ineffective to the extent of such inconsistency or conflict.

The headings in these rules are solely for convenience and shall have no effect in the legal interpretation of any provision hereof.

Section 13. EFFECTIVE DATE

These rules shall be effective as of December _____, 2018.

SCHEDULE 1

FEES

It is the purpose of this Schedule to provide for the recovery of costs from Users of the Company's Treatment Works for the implementation, administration, and enforcement of the Industrial Pretreatment Program, and for the additional costs for treatment of wastewaters from such Users having loadings and characteristics that are in excess of Domestic Sewage. The fees specified herein for the Industrial Pretreatment Program are separate from and in addition to all other fees chargeable by the Company.

The fees specified in Section 1.1 apply to all Users of the Company's Treatment Works. Additional fees, applicable to Users of specific systems, are specified in Section 1.2, for the McKeesport Wastewater System.

1.1. Fees Applicable to All Systems

- 1.1.1. IWDP Application Fee: \$1,000.00
- 1.1.2. IWDP Transfer/Modification/Renewal Fee: \$250.00
- 1.1.3. Facility Inspection Fee: \$250.00 per inspection
- 1.1.4. Monitoring Report Review Fee: \$250.00 per monitoring report
- 1.1.5. Sampling and Analysis Fee: Actual cost of sampling and laboratory analysis plus 25% to cover administrative costs.
- 1.1.6. Accidental Discharge, Slug Control, and/or Monitoring Fee: Actual cost of response to accidental discharges or discharges of slugs loads, including but not limited to the costs incurred for any additional treatment or other actions required to manage such discharges, monitoring and response to such discharges, correction of any resulting contamination or other impacts to the Treatment Works, including the Collection System and Treatment Plant.
- 1.1.7. Compliance and Enforcement Fee - Administrative and Legal: Actual cost incurred by the Company for investigation and actions to address a User's non-compliance with the terms of this IPP or any IWDP.
- 1.1.8. Damage Repair: Actual cost for cleaning, repair, replacement and/or correction of any damage to the Treatment Works, including the Collection System and the Treatment Plant, caused or contributed to by a User's discharge.

1.2. Fees Applicable to Exeter Wastewater System

- 1.2.1. Industrial Loading Fee - applicable on a quarterly basis to discharges with loadings above typical Domestic Sewage loadings up to but not exceeding any applicable Local Limit or IWDP limit, based on sampling and analysis by the Company and sampling required to be reported by the User under an IWDP:

$$\text{Quarterly Fee (\$)} = Q \times \{((\text{BOD5 Actual} - \text{BOD5 Domestic}) \times \text{BOD5 Cost Factor}) + ((\text{NH3-N Actual} - \text{NH3-N Domestic}) \times \text{NH3-N Cost Factor}) + ((\text{TSS Actual} - \text{TSS Domestic}) \times \text{TSS Cost Factor})\}$$

Where:

BOD5 Actual = actual concentration of BOD5 in mg/l as measured by the Company or the Industrial User

BOD5 Cost Factor = Treatment cost for BOD5 for the system = 0.00945

BOD5 Domestic = 250 mg/l, the typical concentration in Domestic Sewage

Q = Total flow for the quarter measured in thousand gallons

TSS Actual = actual concentration of TSS in mg/l as measured by the Company or the Industrial User

TSS Cost Factor = treatment cost for TSS for the system = 0.00648

TSS Domestic = 250 mg/l, the typical concentration in Domestic Sewage

When a value of BOD5 and/or TSS of a nondomestic waste is less than the typical concentration in domestic waste (250 mg/l), the value of 250 shall be used in the calculation of the industrial loading fee in place of the actual value which is less than 250 mg/l.

A small commercial use [1EDU] with water consumption of 18,000 gallons or less per quarter may opt to have the results of the first quarter applied to the following three quarters of that year.

- 1.2.2. Excess Loading Fee - applicable to discharges with loadings that exceed a Local Limit or IWDP limit:

If in any monthly period, the loading of BOD5, NH3-N, or TSS exceeds a Local Limit or IWDP limit, then for the applicable parameter, in calculating the Industrial Loading Fee under §1.2.1, the BOD5 Cost Factor, NH3-N Cost Factor and/or TSS Cost Factor, applicable to the total loading of that parameter will be 125% of the value set forth in §1.2.1 to compensate for the additional administrative, oversight and management costs associated with managing such excessive loadings.

- 1.2.3. Special Discharge Fee - applicable to discharges with loadings or concentrations that exceed a Local Limit or IWDP limit and that impact sludge handling or disposal methods and costs, necessitate acquisition of nutrient credits, result in damages to the facility, or require extraordinary measures:

Fee = Actual cost incurred by the Company, including but not limited to: (1) additional costs of managing impacted sludge (including costs related to use of alternative disposal facilities, additional monitoring, etc.), (2) costs of acquiring nutrient credits to meet NPDES Permit cap limits; (3) costs of repairs to and restoration of the Treatment Works, including the Collection System and Treatment Plant; or (4) costs of implementing any other measures required to control, manage and address such excessive loadings or concentrations.

SCHEDULE 2
SPECIFIC POLLUTANT DISCHARGE LIMITATIONS

LOCAL LIMITS

1. Exeter Wastewater System

The following Specific Pollutant Discharge Limitations (Local Limits) apply to all Industrial Users of the Exeter Wastewater System. These limits apply at the point where the wastewater is discharged to the Treatment Works and at the point of entry of trunk lines from bulk customers. All concentrations for metallic substances are for total metal unless indicated otherwise.

Pollutants	Local Limits ⁽¹⁾			Categorical Standards	
	Maximum Allowable Headworks Loading lbs/day	Influent Goal mg/L	Influent Monitoring Frequency #/year		Metal Finishing (40 CFR 433) mg/L
<i>Conventional</i>					
Biochemical Oxygen Demand (5 day)	20,289	250			
Solids, Total Suspended	1,776	250			
Chlorine Demand		<12			
Fats, Oil and Grease (Total)		<100			52
pH					6.0 – 9.0 s.u.
<i>Inorganics</i>					
Arsenic, Total		0.24	4		
Cadmium, Total		0.18	4		0.69
Chromium, Total		No Goal	4		2.77
Chromium, Hexavalent		No Goal	0		
Copper, Total		0.76	4		3.38
Cyanide, Total		0.47	4		1.20
Lead, Total		1.39	4		0.69
Mercury, Total		0.02	4		
Molybdenum, Total		0.24	4		
Nickel, Total		2.10	4		3.98
Selenium, Total		0.90	4		
Silver, Total		1.54	4		0.43
Zinc, Total		2.00	4		2.61