

INDUSTRIAL WASTEWATER DISCHARGE AND PRETREATMENT RULES

SECTION 1. GENERAL PROVISIONS

1.1 Purpose and Policy

This Part sets forth uniform requirements for users of the publicly owned treatment works for the Bucks County Water and Sewer Authority ("Authority") and enables the Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 USC 1251 et. Sec.) and the general pretreatment regulations (40 CFR, Part 403). The objectives of this Part are:

- A. To prevent the introduction of pollutants into the publicly owned treatment works that will interfere with the operation of the system;
- B. To prevent the introduction of pollutants into the publicly owned treatment works that will pass through the publicly owned treatment works, inadequately treated, into receiving waters or otherwise be incompatible with the publicly owned treatment works;
- C. To protect both publicly owned treatment works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
- D. To promote reuse and recycling of industrial wastewater and sludge from the publicly owned treatment works;
- E. To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the publicly owned treatment works;
- F. To enable the Authority to comply with its National Pollutant Discharge Elimination System permits conditions, sludge use and disposal requirements, and any other Federal or State laws to which publicly owned treatment works is subject.

This part shall apply to all users of the publicly owned treatment works. This Part authorizes the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

1.2 Administration

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

1.3 Abbreviations

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

BOD - Biochemical Oxygen Demand.
BMP - Best Management Practice
CFR - Code of Federal Regulations.
COD - Chemical Oxygen Demand.
EPA - U.S. Environmental Protection Agency.
gpd - gallons per day.
mg/l - milligrams per liter.
NPDES - National pollutant discharge elimination system.
POTW - Publicly owned treatment works.
RCRA - Resource Conservation and Recovery Act.
SIC - Standard Industrial Classification.
TSS - Total suspended solids.
U.S.C. - United States Code.

1.4 Definitions

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

- A. ACT or "the ACT" – the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq, and any subsequent amendments thereto.
- B. APPROVAL AUTHORITY - the State is the approval authority if the State has an EPA-approved pretreatment program. Alternatively, the appropriate Regional Administrator of EPA is the approval authority in a non-approved State.
- C. AUTHORITY - Bucks County Water and Sewer Authority, Bucks County, Pennsylvania.
- D. AUTHORIZED REPRESENTATIVE OF THE USER -

(1) If the user is a corporation:

- (a) The president, secretary, treasurer, or a vice-president of the Corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
- (b) The manager of one or more manufacturing, production, or operating facilities, provided the manager is authorized to make management decisions that govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for individual wastewater discharge permit [or general permit {optional}] requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

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

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

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

E. **BEST MANAGEMENT PRACTICES OR BMPS**- means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMP's 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. [Note: BMP's also include alternative means (ie., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

F. **BIOCHEMICAL OXYGEN DEMAND or BOD** - the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at twenty degrees (20) centigrade, usually expressed as a concentration (e.g., mg/l).

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

H. **CHEMICAL OXYGEN DEMAND or COD** - a measure of the oxygen required to oxidize all compounds, both organic and inorganic, in water.

I. **DIRECTOR** - the Executive Director or his designated representative who is designated by the Authority to supervise the operation of the POTW, and who is charged with certain duties and responsibilities by the Part.

J. **ENVIRONMENTAL PROTECTION AGENCY OR EPA** - the US Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director or other duly authorized official of said agency.

K. **EXISTING SOURCE** - any source of discharge that is not a "New Source."

L. **GRAB SAMPLE** - a sample which is taken from a wastestream without regard to the volume of flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.

M. **INDIRECT DISCHARGE OR DISCHARGE** - the introduction of pollutants into the POTW from any non-domestic source, including holding tank waste.

N. **INSTANTANEOUS MAXIMUM ALLOWABLE DISCHARGE LIMIT**- the maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the industrial flow rate and the duration of the sampling event.

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

P. **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.

Q. **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 307 (c) of the Act which will be applicable to such source if such standards are thereafter promulgated in accordance with that section provided that:

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

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

(c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, 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 subsections (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 subsection has commenced if the owner or operator has:

(a) Begun, or caused to begin, as part of a continuous on-site 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 are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

R. NONCONTACT COOLING WATER - water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

S. PASS THROUGH - a discharge which exits the POTW 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 Authority's NPDES permit, including an increase in the magnitude or duration of a violation.

T. PERSON - any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; if their legal representatives, agents, or assigns. This definition includes all Federal, State, and local governmental entities.

U. PH - a measure of the acidity or alkalinity of a solution, expressed in standard units.

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

W. PRETREATMENT - the reduction of the amount of pollutants, oils, greases, or any other substance (deemed by the Authority to fall in one of these categories.) 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.

X. PRETREATMENT REQUIREMENTS - any substance or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.

Y. PRETREATMENT STANDARD OR STANDARDS - pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.

Z. PROHIBITED DISCHARGE STANDARDS or PROHIBITED DISCHARGES - absolute prohibitions against the discharge of certain substances; these prohibitions appear in 602 (1) of this Part.

AA. PUBLICLY OWNED TREATMENT WORKS or POTW - a treatment works, as defined by 212 of the Act (33 U.S.C. 1292) which is owned by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant.

BB. SEPTIC TANK WASTE - any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tank,

CC. SEWAGE - human excrement and gray water (household showers, dishwashing operations, etc.).

DD. SIGNIFICANT INDUSTRIAL USER-

(1) A user subject to categorical pretreatment standards.

(2) A user that :

(a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blow-down wastewater).

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

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

(3) The Authority may at any time, on its own initiative or in response to a petition received from a user, and in accordance with procedures in 40 CFR 403.8 (f) (6), determine that such user should not be considered a significant industrial user.

EE. SIGNIFICANT NON COMPLIANCE:

(1) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six (66) percent or more of all of the measurements taken For the same pollutant parameter taken during a six-month (6-) month period (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; (Note: Required Streaming Rule Change, see 40 CFR 403.3(l))

(2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); [Note: Required Streaming Rule Change, see 40 CFR 403.3(l)]

(3) Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Executive Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; [Required Streaming Rule Change, see 40 CFR 403.3(l)]

(4) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Executive Directors exercise of its emergency authority to halt or prevent such a discharge;

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

(6) Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

(7) Failure to accurately report non-compliance; or

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

FF. SLUG LOAD or SLUG - Any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 2.1 of this ordinance. A Slug Discharge is any of the non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch Discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or Permit conditions.

GG. STANDARD INDUSTRIAL CLASSIFICATION (SIC) CODE - a classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget.

HH. STORM WATER – any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

II. TOTAL SUSPENDED SOLIDS or SUSPENDED SOLID - the total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering.

JJ. USER OR INDUSTRIAL USER - a source of indirect discharge.

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

LL. WASTEWATER TREATMENT PLANT OR TREATMENT PLANT - that portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.

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 POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards requirements.

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

- (1) Pollutants which create a fire or explosive hazard in the POTW including, but not limited to, waste streams with a close-cup flashpoint of less than one hundred forty (140) degrees Fahrenheit sixty (60) degrees Celsius using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a ph less than five (5.5) or more than nine (9.0) or otherwise causing corrosive structural damage to POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in Interference but in no case solids greater than one-half (1/2) inches in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), and suspended solids released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause Interference or Pass Through with the POTW;

- (5) Wastewater having a temperature greater than 150 degrees 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 one hundred four (104) degrees F (forty (40) degrees Celsius);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause Interference or Pass Through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants;
- (9) 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 may result in toxic gases, vapors, or fumes, or to prevent entry into the sewer for maintenance or repair without respiratory protection;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the Authority's NPDES permit.
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool and unpolluted water, unless specifically authorized by the Director.
- (13) Sludge, screenings, or other residues from the pretreatment of industrial wastes.
- (14) Medical wastes, except as specifically authorized by the Director in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW.

- (17) Fats, oils, or greases of animal or vegetable origin in concentrations greater than (50) mg/l.

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

2.2 National Categorical Pretreatment Standards

Users must comply with categorical Pretreatment Standards found at 40 CFR Chapter 1, Subchapter N, Parts 405 – 471.

A. Where a categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the Director may impose equivalent concentration or mass limits in accordance with Section 2.2 E and 2.2 F.

B. When wastewater subject to a categorical Pretreatment Standard is mixed with wastewater not regulated by the same Standard, the Director shall impose an alternate limit using the combined wastewater formula in 40 CFR 403.6 (e).

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

D. A CIU user may obtain a net/gross adjustment to a categorical Pretreatment Standard in accordance with the following paragraphs of this Section.

- (1) Categorical Pretreatment Standards may be adjusted to reflect the presence of pollutants in the Industrial User's intake water in accordance with this Section. Any Industrial User wishing to obtain credit for intake pollutants must make application to the Authority. Upon request of the Industrial User, the applicable Standard will be calculated on the "net" basis (i.e., adjusted to reflect credit for pollutants in the intake water) if the requirements of paragraph (2) of the Section are met.

(2) Criteria.

a. Either (i) The applicable categorical Pretreatment Standards contained in 40 CFR subchapter N specifically provide that they shall be applied on a net basis; or (ii) The Industrial User demonstrates that the control system it proposes or uses to meet applicable categorical Pretreatment Standards would, if properly installed and operated, meet the Standards in the absence of pollutants in the intake waters.

b. Credit for generic pollutants such as biochemical oxygen demand (BOD), total suspended solids (TSS), and oil and grease should not be granted unless the Industrial User demonstrates that the constituents of the generic measure in the User's effluent are substantially similar to the constituents of the generic measure in the intake water or unless appropriate additional limits are placed on process water pollutants either at the outfall or elsewhere.

c. Credit shall be granted only to the extent necessary to meet the applicable categorical Pretreatment Standard(s), up to a maximum value equal to the influent value. Additional monitoring may be necessary to determine eligibility for credits and compliance with Standard(s) adjusted under this Section.

d. Credit shall be granted only if the User demonstrates that the intake water is drawn from the same body of water as that into which the POTW discharges. The [Authority] may waive this requirement if it finds that not environmental degradation will result.

E. When a categorical Pretreatment Standard is expressed only in terms of pollutant concentrations, an Industrial User may request that the Authority convert the Limits to equivalent mass limits. The determination to convert concentration limits to mass limits is within the discretion to the Director. The Authority may establish equivalent mass limits only if the Industrial User meets all the conditions set forth in Sections 2.2E(1)(a) through 2.2E(1)(e) below.

(1) To be eligible for equivalent mass limits, the Industrial User must:

a. Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its individual wastewater discharge permit;

b. Currently use control and treatment technologies adequate to achieve Compliance with the applicable categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

c. Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and the long-term average production rate must be representative of current operating conditions;

d. Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

e. Have consistently complied with all applicable categorical Pretreatment Standards during the period prior to the Industrial User's request for Equivalent mass limits.

(2) An Industrial User subject to equivalent mass limits must:

a. Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

b. Continue to record the facility's flow rate through the use of a continuous effluent flow monitoring device;

c. Continue to record the facility's production rates and notify the Director whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph 2.2F(1)(c) of this Section. Upon notification of a revised production rate, the Director will reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

d. Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraphs 2.2E(1)(a) of this Section as long as it discharges under an equivalent mass limit.

(3) When developing equivalent mass limits, the Director:

a. May retain the same equivalent mass limit in subsequent individual Wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

b. Upon notification of a revised production rate, will reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

c. May retain the same equivalent mass limit in subsequent individual wastewater discharger permit terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 2.6. The Industrial User must also be in compliance with Section 13.3 regarding the prohibition of bypass.

F. The Director may convert the mass limits of the categorical Pretreatment Standards of 40 CFR Parts 414, 419, and 455 to concentration limits for purposed of calculating limitations applicable to individual Industrial Users. The conversion is at the discretion of the Director.

[Note: When converting such limits to concentration limits, the Director will use the concentrations listed in the applicable subparts of 40 CFR Parts 414, 419, and 455 and document that dilution is not being substituted for treatment as prohibited by Section 2.6 of this ordinance (see 40 CFR 403.6(d)). In addition, the Director will document how the equivalent limits were derived for any changes from concentrations of mass limits, or vice versa, and make this information publicly available (see 40 CFR 403.6(c)(7)).]

G. Once included in its permit, the Industrial User must comply with the equivalent limitations developed in this Section (2.2) in lieu of the promulgated categorical Standards from which the equivalent limitations were derived. **[Note: see 40 CFR 403.6(c) (7)].**

H. Many categorical Pretreatment Standards specify one limit for calculating maximum daily discharge limitations and a second limit for calculating maximum Monthly Average, or 4-day average, limitations. Where such Standards are being applied, the same production or flow figure shall be used in calculating both the average and the maximum equivalent limitation. **[Note: see 40 CFR 403.6(c)(8)].**

I. Any Industrial User operating under a permit incorporating equivalent mass or concentration limits calculated from a production-based Standard shall notify the Director within two (2) business days after the User has a reasonable basis to know that the production level will significantly change within the next calendar month. Any User not notifying the Director of such anticipated change will be required to meet the mass or concentration limits in its permit that were based on the original estimate of the long term average production rate. **[Note: see 40 CFR 403.6(c)(9)].**

2.3 State Pretreatment Standards

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

2.4 Local Limits

The following pollutant limits are established to protect against Pass Through and Interference. No person shall discharge wastewater containing in excess of the following instantaneous maximum allowable discharge limits.

- 0.1 mg/l arsenic
- 2.0 mg/l beryllium
- 300 mg/l BOD
- 0.5 mg/l cadmium
- 2.0 mg/l chromium
- 2.0 mg/l copper
- 0.5 mg/l cyanide
- 0.2 mg/l lead
- 0.01 mg/l mercury
- 1.0 mg/l nickel
- 50.0 mg/l oil and grease
- 0.01 mg/l selenium
- 0.3 mg/l silver
- 1.0 mg/l total phenols
- 300 mg/l total suspended solids
- 2.0 mg/l zinc

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for total metal unless indicated otherwise. The Executive Director may impose mass limitations in addition to, or in place of, the concentration-based limitations above.

2.5 Authority's Right of Revision

The Authority reserves the right to establish, by ordinance or in wastewater discharge permits, more stringent standards or requirements on discharges to the POTW.

2.6 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 Director 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.

SECTION 3. PRETREATMENT OF WASTEWATER

3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Part and shall achieve compliance with all categorical pretreatment standards, local limits, and the prohibitions set on in the Part within the time limitations specified by EPA, the State, or the Director, whichever is more stringent. Any facilities necessary for compliance shall be provided, operated, and maintained at the user's detailed plans describing such facilities and operating procedures shall be submitted to the Director for review, and shall be acceptable to the Director before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of this Part.

3.2 Additional Pretreatment Measures

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

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

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

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

3.3 Accidental Discharge/Slug Discharge Control Plans

The Director shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan or other action to control slug discharges. The Director may require any user to develop, submit for approval, and implement such a plan within one (1) year of being identified. Alternatively, the Director may develop such a plan for any user. The Industrial user must notify BCWSA of changes affecting their potential for slug discharges. Any accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the Executive Director of any accidental or slug discharge, as required by this Part.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

SECTION 4. INDIVIDUAL WASTEWATER DISCHARGE PERMITS APPLICATION

4.1 Wastewater Analysis

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

4.2 Wastewater Discharge Permit Requirement

A. No significant industrial or commercial user shall discharge wastewater into the POTW without first obtaining a wastewater discharge permit from the Director, except that a significant industrial user that has filed a timely application pursuant to this Part may continue to discharge for the time period specified therein.

B. The Director may require other users to obtain wastewater discharge permits as necessary to carry out the purposes of this Part.

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

4.3 Individual Wastewater Discharge Permitting; Existing Connection

Any user required to obtain a wastewater discharge permit who was discharging wastewater into the POTW prior to the effective date of this Part and who wishes to continue such discharges in the future, shall, within sixty (60) days after said date, apply to the Director for a wastewater discharge permit in accordance with this Part, except in accordance with a wastewater discharge permit issued to the Director.

4.4 Individual Wastewater Discharge Permitting New Connections

Any user required to obtain a wastewater discharge permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit, in accordance with this Part, must be filed at least sixty- (60) days prior to the date upon which any discharge will begin or recommence.

4.5 Individual Wastewater Discharge Permit Application Contents.

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

1. All information required by this Part.
2. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW.

3. Number and type of employees, hours of operation, and proposed or actual hours of operation.
4. Each product produced by type, amount, process or processes, and rate of production.
5. Type and amount of raw materials processed (average and maximum per day).
6. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge.
7. Time and duration of discharges.
8. Any other information as may be deemed necessary by the Director to evaluate the wastewater discharge permit application, including but not limited to a BMP.

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

4.6 Application Signatories and Certification

All wastewater discharge permit applications, user reports, and certification statements must be signed by an Authorized Representative of the User and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

4.7 Individual Wastewater Discharge Permit Decisions

The Director will evaluate the data furnished by the user and may require additional information. Within thirty (30) days of receipt of a complete wastewater discharge permit application, the Director will determine whether or not to issue a wastewater discharge permit. The Director may deny any application for a wastewater discharge permit.

SECTION 5. WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS

5.1 Wastewater Discharge Permit Duration

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

5.2 Individual Wastewater Discharge Permit Contents

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

A. Individual Wastewater discharge permits must contain:

- (1) A statement that indicates wastewater discharge permit duration, which in no event shall exceed five (5) years.
- (2) A statement that the wastewater discharge permit is nontransferable without prior notification to the Authority in accordance with this Part, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.
- (3) Effluent limits, including BMP's based on applicable Pretreatment Standards, categorical Pretreatment Standards, Local Limits, and State/local law.
- (4) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on the applicable Pretreatment Standards, Federal, State and local law.
- (5) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State or local law.

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

- (1) Limits on average and/or maximum rate of discharge, time of discharge, and /or requirements for flow regulations and equalization.

- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants or any other substance deemed by the Authority into the treatment works.
- (3) Requirements for the development and implementation of spill/slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges.
- (4) Development and implementation of waste minimization plans to reduce the amount of pollutants discharge to the POTW.
- (5) The unit charge or schedule of user charges and fees for the management of the wastewater discharged into the POTW.
- (6) Requirements for installation and maintenance of inspection and sampling facilities and equipment.
- (7) A statement that compliance with the wastewater discharge permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State Pretreatment Standards, including those which become effective during the term of the individual wastewater discharge permit.
- (8) Other conditions as deemed appropriate by the Director to ensure compliance with this Part, and State and Federal laws, rules, and regulations.

5.3 Individual Wastewater Discharge Permit Appeals

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

A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.

B. In its petition, the appealing party must indicate the Individual wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the individual wastewater discharge permit.

C. The effectiveness of the individual wastewater discharge permit shall not be stayed pending the appeal.

D. If the Director fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decision not to reconsider shall be deemed to be denied. Decision not to reconsider an individual wastewater discharge permit, not to issue a wastewater discharge permit, or not to modify a wastewater discharge permit shall be considered final administrative actions for purposes of judicial review.

E. Aggrieved parties seeking judicial review of the final administrative individual wastewater discharge permit decision must do so by filing a complaint with the appropriate court for Pennsylvania.

5.4 Individual Wastewater Discharge Permit Modifications

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

A. To incorporate any new or revised Federal, State or local Pretreatment Standards;

B. To address significant alterations or additions to the User's operation process, or wastewater volume or character since the time of individual wastewater discharge permit issuance;

C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

D. Information indicating that the permitted discharge poses a threat to the Authority's POTW, Authority personnel, or the receiving waters;

E. Violation of any terms or conditions of the individual wastewater discharge permit;

F. Misrepresentation or failure to fully disclose all relevant facts in the Individual Wastewater Discharge Permit application or in any required reporting;

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

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

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

5.5 Individual Wastewater Discharge Permit Transfer

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives at least sixty (60) days advance notice to the Director and the Director approves the individual wastewater discharge permit transfer. The notice to the Director must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur;
- C. Acknowledges full responsibility for complying with the existing wastewater discharge permit.

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

5.6 Individual Wastewater Discharge Permit Revocation

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

- A. Failure to notify the Director of significant changes to the wastewater prior to the changes to discharge;
- B. Failure to provide prior notification to the Director of changed conditions pursuant of this Part;
- C. Misrepresentation or failure to fully disclose all relevant facts in the Individual Wastewater Discharge Permit application;
- D. Falsifying self-monitoring equipment;
- E. Tampering with monitoring equipment;
- F. Refusing the Director timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay fines;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;

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

L. Failure to provide advance notice of the transfer of business ownership of a permitted facility;

M. Violation of any pretreatment standard or requirement, or any terms of the individual wastewater discharge permit or this Part.

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

5.7 Individual Wastewater Discharge Permit Re-issuance

A User with an expiring individual wastewater discharge permit shall apply for individual wastewater discharge permit re-issuance by submitting a complete permit application, in accordance with this Part, a minimum of sixty (60) days prior to the expiration of the User's existing individual wastewater discharge permit.

SECTION 6. Reporting Requirements.

6.1 Baseline Monitoring Report

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 POTW* shall submit to the Director a report which contains the information listed in subsection (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 a applicable categorical Standard, shall submit to the Director a report which contains the information listed in subsection (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.

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

- (1) Identifying Information. The name and address of the facility, including the name of the operator and owner
- (2) Environmental Permits. A list of any environmental control permits held by or for the facility.

- (3) Description of Operations. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and standard industrial classifications of the operations(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
- (4) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastewater formula set out in 40 CFR 403.6 (e).
- (5) Measurement of Pollutants.
 - (a) The categorical pretreatment standards applicable to each regulated process, and any new categorically regulated processes for existing sources.
 - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass where required by the Standard or by the Director, of regulated pollutants in the discharge from each regulated process.
 - (c) Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported.
 - (d) The sampling shall be representative of daily operations and shall be analyzed in accordance with the procedures set out in this Part.
 - (e) *Sampling must be performed in accordance with procedures set out in this Part.*
- (6) Certification. A statement, reviewed by the User's Authorized Representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.

- (7) Compliance Schedule. If additional pretreatment and/or O & M will be required to meet the Pretreatment Standards, the shortest schedule by which the User will provide such additional pretreatment and/or O & M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule pursuant to this Section must meet the requirements set out in this Part.
- (8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with this Part.

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by this Part.

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable Pretreatment Standards (such events include, but are not limited to hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation).
- B. No increment referred to above shall exceed nine (9) months.
- C. The user shall submit a progress report to the Director 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.
- D. In no event shall more than nine (9) months elapse between such progress reports to the Director.

6.3 Reports on Compliance with Categorical Pretreatment Standard Deadlines

Within ninety (90) days following the date for final compliance with applicable categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and requirements, including BMP's shall submit to the Director a report containing the information described in this Part. 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 this Part.

6.4 Periodic Compliance Reports

A. All Significant Industrial Users shall, at a frequency determined by the Director but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by Pretreatment Standards and the measured or estimated average and maximum daily flows for the reporting period. In cases where the Pretreatment Standard requires compliance with a BMP or pollutant prevention alternative, the User must submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the User. All periodic compliance reports must be signed and certified in accordance with this Part.

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

C. If a User subject to the reporting requirement in this Section monitors any pollutant more frequently than required by the Director, using the procedures prescribed in this Part, the results of this monitoring shall be included in this report.

6.5 Reports of Changed Conditions

Each user must notify the Director of any planned significant changes to the user's operations or system which might alter the nature, quality, or volume of its wastewater at least thirty (30) days before the change.

A. The Director may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an individual wastewater discharge permit application under this Part.

B. The Director may issue an individual wastewater discharge permit under this Part or modify an existing individual wastewater discharge permit under this Part in response to changed conditions or anticipated changed conditions.

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

6.6 Reports of Potential Problems

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

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

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

6.7 Notice of Violation/Repeat Sampling and Reporting

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

6.8 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, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR, Part 136, does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

6.9 Sampling Collection

- A. Except as indicated in subsection (B), below, the user must collect wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible, the Executive Director may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.

6.10 Timing

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

6.11 Record Keeping

Users subject to the reporting requirements of this Part shall retain, make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this Part and any additional records of information obtained pursuant to monitoring activities undertaken by the user independent of such requirements. This includes BMP compliance records.

Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the user or the Authority, or the user has been specifically notified of a longer retention period by the Executive Director.

SECTION 7. COMPLIANCE MONITORING

7.1 Right of Entry; Inspection and Sampling

The Director shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of this Part and any wastewater discharge permit issued hereunder. Users shall allow the Director ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties. These inspections shall include whether a slug control plan is needed. If yes, plan shall include items specific to the Pretreatment of wastewater section.

A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Director will be permitted to enter without delay for the purpose of performing specific responsibilities.

B. The Director 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.

C. The Director 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 yearly to ensure their accuracy.

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

E. Unreasonable delays in allowing the Director access to the user's premises shall be a violation of this Part.

7.2 Search Warrants

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

SECTION 8. CONFIDENTIAL INFORMATION

Information and data on a user obtained from reports, survey, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from the Director'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 Director, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secret under applicable State law. Any such request must be asserted at the time of submission of the information or data. When requested and demonstrated by the user furnishing a report that such information shall be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspecting by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other – effluent data – as defined by 40 CFR §2.302 will not be recognized as confidential information and will be available to the public without restrictions.

SECTION 9. PUBLICATION OF USERS IN SIGNIFICANT NON-COMPLIANCE

The Director shall publish annually, in the largest daily newspaper published in the municipality where the POTW is located, a list of the users which, during the previous twelve (12) months, were in significant non-compliance with applicable pretreatment standards and requirements. The term significant non-compliance shall mean:

A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent or more of all of the measurements taken For the same pollutant parameter taken during a six-month (6-) month period (by any magnitude) a numeric Pretreatment Standard or Requirement, including Instantaneous Limits as defined in Section 2; (Note: Required Streaming Rule Change, see 40 CFR 403.3(l))

B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter during a six-(6-) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement including Instantaneous Limits, as defined by Section 2 multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH); [Note: Required Streaming Rule Change, see 40 CFR 403.3(l)]

C. Any other violation of a Pretreatment Standard or Requirement as defined by Section 2 (Daily Maximum, long-term average, Instantaneous Limit, or narrative standard) that the Director determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public; [Required Streaming Rule Change, see 40 CFR 403.3(I)]

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

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

F. Failure to provide, within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical Pretreatment Standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;

G. Failure to accurately report non-compliance; or

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

SECTION 10. ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

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

10.2 Consent Orders

The Director may enter into consent orders, assurance of voluntary compliance, or other similar documents establishing an agreement with any user responsible for non-compliance. Such documents will include specific action to be taken by the user to correct the non-compliance within a time period specified by the document. Such documents shall have the same force and effect as administrative orders issued pursuant to this Part and shall be judicially enforceable.

10.3 Show Cause Hearing

The Director may order a user which has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Director and show cause why the proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) days prior to the hearing. Such notice may be served on any authorized representative of the user. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the user.

10.4 Compliance Orders

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

10.5 Cease and Desist Orders

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

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

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

10.6 Administrative Fines

A. When the Director finds that a user has violated, or continues to violate, any provision of this Part, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, the Director may fine such user in an amount not to exceed one thousand dollars (\$1,000.00). Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation.

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

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

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

10.7 Emergency Suspensions

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

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

B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent and future occurrence, to the Director prior to the date of and show cause or determination hearing under this Part.

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

10.8 Termination of Discharge

In addition to the provisions in this Part, any user who violates the following conditions is subject to discharge termination.

A. Violation of Wastewater Discharge Permit conditions.

B. Failure to accurately report the wastewater constituents and characteristics of its discharge.

C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge.
Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling.

D. Violation of the pretreatment standards in this Part.

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

SECTION 11. JUDICIAL ENFORCEMENT REMEDIES

11.1 Injunctive Relief

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

11.2 Civil Penalties

A. A user who has violated, or continues to violate, any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Authority for a maximum civil penalty of per violation, per day. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.

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

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

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

11.3 Criminal Prosecution

A. A user who willfully or negligently violates any provision of this Part, a wastewater discharge permit, or order issued hereunder, or any other pretreatment standard of requirement shall, upon conviction, be guilty of a misdemeanor, punishable by a fine if not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than ninety (90) days, or both. Each day on which a violation shall occur or continue shall constitute a separate and distinct offense.

B. A user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan, or other documentation filed, or required to be maintained, pursuant to this Part, wastewater discharge permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Part shall, upon conviction, be punished by a fine of not more than one thousand dollars (\$1,000.00) per violation, per day, or imprisonment for not more than ninety (90) days, or both. Each day a violation shall occur or continue shall constitute a separate and distinct offense.

11.4 Remedies Non-Exclusive

The remedies provided for in this Part are not exclusive. The Director may take any, all, or any combination of these actions against a non-compliant user. Enforcement of pretreatment violations will generally be in accordance with the Authority's response plan. However, the Director may take other action against any user when the circumstances warrant. Further, the Director is empowered to take more than one (1) enforcement action against any non-compliant user.

SECTION 12. AFFIRMATIVE DEFENSE TO DISCHARGE VIOLATIONS

12.1 Upset

A. For the purposes of this Section, upset means an exceptional incident in which there is unintentional and temporary non-compliance with categorical

B. pretreatment standards because of factors beyond the reasonable control of the user. An upset does not include non-compliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.

C. An upset shall constitute an affirmative defense to an action brought for non-compliance with categorical pretreatment standards if the requirements of subsection (c), below are met.

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

- (1) An upset occurred and the user can identify the cause(s) of the upset.
- (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures.

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

- (a) A description of the indirect discharge and cause of non-compliance.
- (b) The period of non-compliance, including exact dates and times or, if not corrected, the anticipated time the non-compliance is expected to continue.
- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the non-compliance.

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

F. Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for non-compliance with categorical pretreatment standards.

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

12.2 Prohibited Discharge Standards

A user shall have an affirmative defense to an enforcement action brought against it for non-compliance with the general prohibitions in this Part of the specific prohibitions of this Part if it can prove that it did not know, or have any reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or (cause) interference and that either:

A. A local limit exists for each pollutant discharges and the user was compliance with each limit directly prior to, and during the pass through or interference.

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

12.3 Bypass

A. For the purposes of this Section:

- (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
- (2) "Severe property damage" means, substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable or substantial and permanent loss of natural resources which could not reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delay in production.

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

C. Notice of Bypass.

- (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the Director, at least ten (10) days before the date of the bypass, if possible.
- (2) A user shall submit oral notice to the Director of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Director may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.

D. Bypass Prohibited.

- (1) Bypass is prohibited, and the Director may take an enforcement action against a user for a bypass, unless:
 - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage.
 - (b) There were no feasible alternative to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance.
 - (c) The user submitted notices as required under subsection (C) of this Section.
- (2) The Director may approve an anticipated bypass, after considering its adverse effects, if the Director determines that it will meet the three (3) conditions listed in subsection (D) (1) of this section.

SECTION 13. WASTEWATER TREATMENT RATES: PENALTIES

- 13.1 A penalty charge shall be made by the Authority for pounds of biochemical-oxygen-demand (BOD) and suspended solids in excess of the amount described in General Sewer Use Requirements: Section 4. Local Limits. The penalty per use shall be determined as follows:

The excess pounds of BOD and suspended solids will be computed by multiplying the user's total quarterly wastewater flow volume in million gallons by the constant 8.345 and then multiplying this product by the difference between the user's concentrations of BOD and suspended solids and aforementioned "normal" concentration in parts-per-million by weight (see formula below). The penalty for each constituent will then be determined by multiplying the excess pounds of each constituent by the appropriate rate of surcharge listed in subsection (B) below.

Pounds of BOD = Total volume in million gallons x 8.345 x (BOD-300)

Pounds of Suspended Solids = Total volume in million gallons x 8.345 x (Suspended solids - 300).

13.2 Surcharge Rates

The rates of surcharge for each of the aforementioned constituents shall be as follows:

- A. For biochemical-oxygen-demand (BOD), twenty-five (25) cents per pound.
- B. For suspended solids, twenty-five (25) cents per pound.

13.3 Pretreatment Charges and Fees

The Authority may adopt reasonable fees for reimbursement of costs of setting up and operating the Authority's pretreatment program which may include:

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

13.4 Application/Renewal Fee

All Industrial Users issued a permit shall pay:

- A. A fee of \$250.00 per application/renewal and the cost of BCWSA's Anticipated sampling for their facility.

SECTION 14. EFFECTIVE DATE

This Part shall be in full force and effective immediately following its passage, approval, and publication, as provided by law.