APPENDIX B-SE
RATES, RULES AND REGULATIONS OF THE EAST COCALICO TOWNSHIP AUTHORITY SANITARY SEWER SYSTEM

REGULATIONS GOVERNING ADMISSION OF INDUSTRIAL/COMMERCIAL WASTES INTO THE EAST COCALICO TOWNSHIP AUTHORITY WASTEWATER COLLECTION SYSTEM AND THE EPHRATA AREA WASTEWATER TREATMENT FACILITIES

Adopted as part of the Sanitary Sewer Rates, Rules and Regulations October 9, 1997
and amended July 8, 1999; April 3, 2008; March 13, 2014 and July 29, 2025.

SECTION 1 – GENERAL PROVISIONS

1.1 Purpose and Policy

A. These regulations set forth uniform Requirements for direct and indirect contributors into the East Cocalico Township Authority Wastewater Collection System ("Collection System"), the Wastewater Interceptor Systems, and the Wastewater Treatment Facilities operated by the Enforcement Authority (collectively the "Wastewater System") and these provisions assist the Authority and the Enforcement Authority in complying with all applicable State and Federal laws including but not limited to the Clean Water Act of 1977 (33 United States Code §1251 et. seq.) and the Federal General Pretreatment Regulations (40 CFR, §403). The objectives of these provisions are:

(1) To prevent the introduction of Pollutants into the Wastewater System which will interfere with the operation of the Wastewater System or contaminate the resulting Sludges and Biosolids;

(2) To prevent the introduction of Pollutants into the Wastewater System that will pass through the Wastewater System, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the Wastewater System;

(3) To help protect both personnel who work at the Wastewater System and to help protect the public from unnecessary biological or chemical hazards;

(4) To improve the opportunity to recycle and reclaim Wastewater, Sludge and Biosolids from the Wastewater System;

(5) To provide for fees and Surcharges for equitable distribution of the cost of the Wastewater System and the cost of operation of the Wastewater System;

(6) To enable the Enforcement Authority to comply with its National Pollution Discharge Elimination System Permit conditions, Sludge use, Biosolids use and disposal Requirements, and any other Federal or State Laws to which the Wastewater System are subject; and

(7) To provide a database for future facility designs and operation work.

B. These regulations define certain terms and provide for the regulation of direct and indirect contributors to the Wastewater System through the issuance of permits to certain non-domestic Users, and;

through enforcement of general Requirements for the other Users, and;

authorizes monitoring, inspection, and enforcement activities, and;

requires User testing and reporting, and;

provides for the setting of fees for the equitable distribution of costs resulting from the treatment of non-domestic Wastewater and of the costs resulting from the program established herein.

C. These regulations and fees shall apply to all Users of the Wastewater System.

D. These regulations establish fines and penalties for noncompliance with the regulations and further establish additional provisions for corrective action in cases of such noncompliance.

SECTION 2 – DEFINITIONS

2.1 Scope

The following words, terms and phrases when used in these Regulations shall have the meaning described in this section, except where the context specifically indicates otherwise. Whenever there is a conflict between any definitions found in a Township Ordinance, Law, or East Cocalico Township Authority general Sanitary Sewer Rates, Rules and Regulations and these Regulations, the definition containing the strictest requirements, construed as in favor of the Authority, shall apply.

(1) **Act or The Act:** The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. §1251 et seq.

(2) **Act 537:** The Pennsylvania Sewage Facilities Act, Act of January 24, 1966, 35 P.S. 750.1 et seq., as amended from time to time.

(3) **Approval Authority:** The Regional Administrator of the EPA.

(4) **Authority:** Shall mean The East Cocalico Township Authority, Lancaster County, Pennsylvania, a municipal authority of the Commonwealth; as well as the duly qualified and acting members of the Board thereof, or its authorized deputy, agent, manager, delegate or representative, a body politic and corporate, created pursuant to the Municipality Authorities Act of 1945, Act of May 2, 1945, P.L. 382, as amended, 53 P.S. 301 et. seq.

(5) **Authorized Representative of an Industrial/Commercial User:** An Authorized Representative of an Industrial/Commercial User may be:

(a) For a Corporation - a responsible corporate officer of the level of president, vice-president, secretary or treasurer 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;

(b) Or Alternatively, For a Corporation - the manager of one (1) or more manufacturing, production or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five million dollars ($25,000,000), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

(c) A general partner or proprietor if the Industrial/Commercial User is a partnership or proprietorship, respectively;

(d) For a Federal, State, or Local Government - a director or the highest official appointed or designated to oversee the operation and performance of the activities of the government facility;

(e) A duly authorized representative of the individual designated above if (aa) the authorization is made in writing by the individual or, (bb) the authorization specifies either an individual or position having responsibility for the overall operation of the facilities from which the Indirect Discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (cc) the written authorization is submitted to the Enforcement Authority.

(6) **Average Daily Flow:** A measurement of Wastewater flow calculated by dividing the total Wastewater flow under consideration for the thirty (30) days immediately preceding the date of calculation by the number thirty (30).

(7) **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 3 (3.1). BMPs also 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.
(Amended 4/3/2008)

(8) **Biosolids:** Nutrient-rich organic material resulting from the reclamation of Wastewater.

(9) **BOD (Biochemical Oxygen Demand):** The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures, for five (5) days at twenty (20) degrees Centigrade usually expressed as a concentration in milligrams per liter (mg/l). The standard laboratory procedure shall be that found in the latest E.P.A. approved edition of "Standard Methods" published by the American Public Health Association, et al.

(10) **Bypass:** The intentional diversion of waste streams from any portion of an Industrial/ Commercial User's treatment facility.

(11) **Categorical Pretreatment Standard or Categorical Standard:** Any regulation containing Pollutant discharge limits promulgated by E.P.A. in accordance with Sections 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.

(12) **Collection System:** All of the Wastewater collection facilities constructed or to be constructed, owned and operated by East Cocalico Township Authority, which conveys Wastewater toward the Facilities, not limited to, Sewers, Interceptors, force mains, metering devices, pumping stations and other appurtenances.

(13) **Composite Wastewater Sample:** A combination of individual samples of water or Wastewater collected at selected intervals, generally hourly for some specific period, to minimize the effect of the variability of the individual sample. Individual samples may have equal volume or may be roughly proportioned to the flow at the time of sampling.

(14) **Control Agencies:** The DEP, EPA and any and all governmental agencies, including the

Enforcement Authority and/or the Authority, who have a right to control treatment, transportation and disposal of Wastewater.

(15) **Cooling Water:** The water discharged from any re-circulating, evaporative type cooling tower system or evaporative cooling pond for any use such as air-conditioning, refrigeration, process cooling system, or combination cooling and process air scrubbing water system, and in which the makeup water impurity concentrations have been elevated due to evaporation, and/or to which anti-scaling chemicals, corrosion inhibition chemicals, and/or EPA approved antimicrobial chemicals have been added.

(16) **DEP:** The Department of Environmental Protection of the Commonwealth or any successor thereto.

(17) **Direct Discharge:** The discharge of treated or untreated Wastewater directly to the Waters of the Commonwealth.

(18) **Dissolved Solids:** The anhydrous residues of the dissolved constituents in water or Wastewater as determined by the standard laboratory procedure set forth in the latest edition of "Standard Methods for the Examination of Water and Wastewater" published by the American Public Health Association, et al.

(19) **Enforcement Authority:** That person or entity designated by East Cocalico Township and East Cocalico Township Authority to administer and enforce these Regulations.

(20) **Environmental Protection Agency or EPA:** The U.S. Environmental Protection Agency, or where appropriate, the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

(21) **Existing Source:** Any source of discharge, the construction or operation of which commences prior to the publication by E.P.A. of Proposed Categorical Pretreatment Standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of The Act.

(22) **Facilities:** Plant No. 1, Plant No. 2 and the Interceptor, collectively, together with all Capital Additions.

(23) **Garbage:** The animal and vegetable solid waste resulting from the domestic and commercial preparation, cooking and dispensing of food and from handling, storage, and sale of produce.

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

(25) **Ground Water:** Water which is contained in or passing through the ground.

(26) **Holding Tank Waste:** Any waste from tank trucks, pump trucks, holding tanks, septic tanks, chemical toilets, campers, trailers or similar devices delivering waste of a sanitary and/or domestic origin.

(27) **Improved Property:** Shall mean any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings or animals and from which structure Sanitary Wastewater and/or Industrial Wastewater shall be or may be discharged.

(28) **Indirect Discharge:** The introduction of Pollutants into the POTW from any non-domestic source regulated under Section 307 (b), (c) or (d) of The Act.

(29) **Industrial Pretreatment Program:** A program administered by the Owner of the POTW that meets the criteria established in 40 CFR §§403.8 and 403.9, and which has been approved by a regional administrator or State director in accordance with 40 CFR §403.11 and which has been approved by the Enforcement Authority.

(30) **Industrial Users and Industrial/Commercial Users:** A source engaged in commercial or industrial activities of Indirect Discharge which does not constitute a "discharge of Pollutants" under regulations issued pursuant to Section 402, of The Act. (33 U.S.C. 1342).

(31) **Industrial Waste/Industrial Wastewater:** Solid, liquid or gaseous substances, water borne waste or form of energy discharged or escaping in the course of any industrial, manufacturing, trade, or business process or in the course of development, recovering or processing of natural resources, but not Sanitary Wastewater. Including any and all wastes, other than Sanitary Wastewater, discharged from industrial establishments, certain commercial establishments, including but not limited to hospitals and restaurants, and other similar business or institutional activities, and additionally in any other respects as such term is defined in the Pennsylvania Clean Streams Law, Act of June 22, 1937, as Amended, 35 P.S. § 691.1 et seq. (the "Clean Streams Law").

(32) **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.

(33) **Interceptor:** The Interceptor Sewer owned by the Ephrata Authority and leased to Ephrata Borough commencing at a Point of Connection with Denver's Collection System and extending in and through portions of the Townships of Ephrata and East Cocalico and Ephrata Borough, discharging at Plant No. 2 and continuing further to terminate at Plant No. 1, including the Mission Pumping Station and appurtenant facilities. This Interceptor is a gravity main to the Mission Pumping Station and is a force main from such Pumping Station to Plant No. 1.

(34) **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 and/or Biosolids processes, use or disposal; and therefore, is a cause of;

(a) a violation of any Requirement of the NPDES Permit (including an increase in the magnitude or duration of a violation), and/or

(b) the prevention of Sludge and/or Biosolids use or disposal by the POTW in accordance with Section 405 of The Act, or any criteria, guidelines, or regulations developed pursuant to the Solids Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), the Clean Air Act, the Toxic Substances Control Act, the Marine Protection, Research and Sanctuaries Act, or more stringent State criteria, including those contained in any State Sludge management plan prepared pursuant to Title IV (Subtitle D) of SWDA applicable to the method of disposal or use employed by the POTW.

(35) **Intermunicipal Group (or the "IMG"):** The committee made up of appointees of the Municipalities which are parties to the Sewer Service Agreement dated November 1, 1995 (or

as may be amended from time to time), with respect to the Ephrata Borough Wastewater Facilities, established pursuant to Section 2.06 of that Agreement.

(36) **Manhole:** A structure leading from the surface of the ground to a Sewer, permitting access to the Sewer.

(37) **mg/l:** Milligrams per liter.

(38) **MGD:** A million gallons per day, based on Average Daily Flow.

(39) **Municipal Owner:** The Municipality that owns any portion of any Collection System that may be used for the conveyance of Sanitary Wastewater and/or Industrial Wastewater from a User.

(40) **Municipality:** Any county, county authority, municipal authority, city, borough, township, or school district, or any general purpose unit of local government.

(41) **National Categorical Pretreatment Standard or Pretreatment Standard:** Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of The Act (33 U.S.C. § 1317) which applies to a specific category of Industrial Users and which appears in 40 CFR, Chapter I, Subchapter N, §§405-471. (Same as Categorical Pretreatment Standard or Categorical Standard.)

(42) **National Pollutant Discharge Elimination System Permit or NPDES Permit:** A permit issued pursuant to §402 of The Act (33 U.S.C. §1342).

(43) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard:** Any regulation developed under the authority of §307(b) of The Act and 40 CFR §403.5.

(44) **New Source:**

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

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

(ii) the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of Pollutants at an Existing Source; or

(iii) 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 engaged in the same general type of activity as the Existing Source should be considered.

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

(c) Construction of a New Source as defined under this subsection has commenced if the Owner or operator has:

(i) Begun, or caused to begin as part of a continuous on-site construction program:

(A) Any placement, assembly, or installation of facilities or equipment; or

(B) Significant site preparation work including clearing, excavation or removal of existing buildings, structures or facilities which is necessary for placement, assembly or installation of New Source facilities or equipment; or

(ii) 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 of feasibility, engineering and design studies do not constitute a contractual obligation under this subsection.

(45) **New User:** Means a new connection generating a new Wastewater flow and/or an existing consumer and point of connection that is one or more of the following:

(a) Applying for an increase in building size or sewer usage by way of land development approval or planning module approval or application for reserved sewer capacity, and

(b) An existing consumer at an existing point of connection or a new point of connection who is or is not expanding or modifying their building but who is expanding, changing or intensifying the use of their property in such a way as to add residential dwelling units or commercial or industrial establishments or portions thereof or change or intensify the use of the property served by the POTW.

(c) An existing consumer at an existing point of connection who is not expanding their building or changing their usage but is generating a substantial increase in flow, with their existing facilities.

(46) **Non-contact Cooling Water:** Water used for cooling to which the only Pollutant added is heat and which does not come into direct contact with any raw material, chemicals added for scale and corrosion inhibition, antimicrobial chemicals, intermediate product, waste product, or finished product.

(47) **Owner:** Any Person vested with ownership, legal or equitable, sole or partial, of an Improved Property.

(48) **Pass Through:** A discharge which exits the POTW into the 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 any applicable NPDES Permit (including an increase in the magnitude and duration of violation).

(49) **Peak Flow:** Means any flow which exceeds 1.7 times the Average Daily Flow.

(50) **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. The masculine gender shall include the feminine and/or neuter, and the singular shall include the plural where indicated by the context.

(51) **pH:** The reciprocal of the logarithm, Base 10, of the hydrogen ion concentration, and is used as an indicator of the acidity or alkalinity of a solution, expressed in standard units.

(52) **Plant:** Means Plant No. 1 or Plant No. 2, as applicable.

(53) **Plant No. 1:** Means the Sewage treatment Plant and facilities, located in Ephrata Borough, owned by Ephrata Authority and operated by Ephrata Borough, together with any Capital Additions thereto.

(54) **Plant No. 2:** Means the Sewage treatment Plant and facilities located in Ephrata Township, owned by Ephrata Authority, and operated by Ephrata Borough, together with any Capital Additions thereto.

(55) **Pollutant:** Any dredged spoil, solid waste, incinerator residue, Sewage, Garbage, Sewage Sludge, Biosolids, munitions, filter backwash, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste and certain characteristics of Wastewater (e.g., pH, temperature, SS, turbidity, color, BOD, COD, toxicity, or odor).

(56) **Pollution:** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

(57) **POTW:** See "Publicly Owned Treatment Works."

(58) **POTW Treatment Plant:** That portion of the POTW designed to provide treatment of Wastewater.

(59) **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, discharging or otherwise introducing such Pollutants into the Facilities and/or a POTW. The 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.

(60) **Pretreatment Requirements:** Any substantive or procedural Requirement related to Pretreatment imposed on a User, other than a National Pretreatment Standard.

(61) **Pretreatment Standards or Standards:** Pretreatment Standards shall mean prohibited Discharge Standards, Categorical Pretreatment Standards, and local limits.

(62) **Publicly Owned Treatment Works or POTW:** A “treatment works” as defined by Section 212 of The Act (33 U.S.C. §1292), which are owned by the Ephrata Borough or the Ephrata Borough Authority or a Municipal Owner. This definition includes any devices and systems used in the collection, transfer, storage, treatment, recycling and reclamation of Sewage or Industrial Wastes of a liquid nature. It also includes pipes, Sewers, and other conveyances only if they convey Wastewater to a POTW Treatment Plant.

(63) **Requirement(s):** Any and all local, state and federal laws, case law, statutes, regulations (including but not limited to these Regulations), rules, guidelines, policies, permits, approvals, and other Standards or Requirements of Control Agencies, as amended and/or changed.

(64) **Sanitary Sewer:** A Sewer which carries Sanitary Wastewater and/or authorized Industrial/Commercial wastes and to which storm, surface, and Ground Waters are not

intentionally admitted.

(65) **Sanitary Wastewater:** All normal water-carried household and toilet waste from kitchens, water closets, lavatories, laundries and bathrooms, especially, but not limited to, wastes typical to households, from sanitary conveniences wherever located or existing.

(66) **Septic Tank Waste:** Waste from a settling tank in which settled Sludge is in immediate contact with the Wastewater flowing through the tank and the organic solids are decomposed by anaerobic bacterial action.

(67) **Sewage:** All water-carried waste defined as Sewage in Act 537, including Sanitary Wastewater and Industrial Wastewater.

(68) **Sewer Service Agreement (or the "Agreement"):** The Intermunicipal Agreement dated November 1, 1995 setting forth the provisions for providing conveyance and treatment of Sanitary Wastewater and Industrial Wastewater by the Borough of Ephrata and providing for the sharing of costs and responsibilities of the Municipal Owners, including the Borough of Ephrata and Ephrata Borough Authority for this conveyance and treatment.

(69) **Sewer:** A pipe or conduit for carrying Sanitary Wastewater or authorized Industrial Wastewater.

(70) **Significant Industrial User (SIU):**

(a) A User subject to Categorical Pretreatment Standards; or

(b) A User that:

(i) discharges an average of twenty-five thousand (25,000) gallons per day or more of process Wastewater to the Facilities and/or POTW (excluding Sanitary, non-contact cooling and boiler blowdown Wastewater); or

(ii) contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of any individual POTW Treatment Plant; or

(iii) has in its wastes toxic Pollutants as defined pursuant to §307 of The Act or Pennsylvania statutes and rules; or

(iv) is designated as such by the Enforcement Authority, DEP, or the EPA on the basis that it has a reasonable potential for adversely affecting the Facilities operation and/or the POTW's operation or for violating any Pretreatment Standard or Requirement.

(c) Upon a finding that a User meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the Facilities; and/or the POTW's operation or for violating any Pretreatment Standard or Requirement, the Enforcement 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.

(71) **Significant Noncompliance SNC For Significant Industrial Users (SIUs):**

(a) Chronic violations of Wastewater discharge limits, defined here as those in which sixty-

six percent (66%) or more of all of the Wastewater measurements, including laboratory analyses taken during a six (6)-month period, exceed a numeric pretreatment standard or requirement or instantaneous limits by any amount;

(Amended 4/3/2008)

(b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of all of the Wastewater measurements, including laboratory analyses for each Pollutant parameter taken during a six (6)-month period, equals or exceeds the product of the numeric pretreatment standard or requirement including instantaneous limits multiplied by the applicable factors listed herein. The TRC factors are listed as follows: 1.4 for BOD, SS, and fats, oils and grease, and 1.2 for all other Pollutants except pH;

(Amended 4/3/2008)

(c) Any other discharge violation of a pretreatment standard or requirement that the Enforcement Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, or has endangered the health of POTW personnel or the general public;

(Amended 4/3/2008)

(d) Any discharge of a Pollutant that has caused an imminent endangerment to the public or to the environment or has resulted in the Enforcement Authority's exercise of its emergency authority to halt or prevent such a discharge;

(e) Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in an Industrial Waste Discharge 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, compliance reports, periodic self-monitoring reports and reports on compliance with compliance schedules;

(Amended 4/3/2008)

(g) Failure to accurately report noncompliance; or

(h) Any other violation or group of violations which may include a violation of best management practices which the Enforcement Authority determines will adversely affect the operation of the Facilities or the implementation of the Enforcement Authority's Pretreatment Program.

(Amended 4/3/2008)

(72) **Sludge:** The accumulated solids separated from liquids, such as Wastewater, during processing, and/or the precipitate resulting from coagulation or sedimentation of Wastewater.

(73) **Slug or Slug Load:** A discharge at a flow rate or concentration which could cause a violation of the prohibited Discharge Standards, including, but not limited to, an accidental spill or non-customary batch discharge.

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

(75) **Standard Methods:** An abbreviated expression used to denote "Standard Methods for the Examination of Water and Waste Water", a manual published by the American Public Health

Association specifying official analytical procedures for the measurement of Wastewater parameters.

(76) **State:** Commonwealth of Pennsylvania.

(77) **Storm Water:** Any flow occurring during or following any form of natural precipitation and resulting from such precipitation, including snow melt.

(78) **Superintendent:** The person(s) designated by the Enforcement Authority to supervise the operation of the Facilities and who is charged with certain duties and responsibilities by these Regulations, or his duly authorized representative.

(79) **Suspended Solids (SS):** The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

(80) **Total Solids:** The sum of dissolved and un-dissolved constituents in water or Wastewater as determined by laboratory analysis in accordance with "Standard Methods".

(81) **Toxic Substances:** Any substance or combination of substances that: (a) is listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of Section 307(a) of The Act, or other Acts, or (b) is present in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with the operation of the POTW including any Wastewater treatment process, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the POTW or in the receiving waters of the POTW.

(82) **Unauthorized Waste:** Any waste which is not in compliance with the provisions of these Regulations, or which is discharged into the POTW by a Person in violation of any provision contained in these Regulations.

(83) **User:** A source of Indirect Discharge or Wastewater into the POTW and/or any Person who contributes, causes or permits contribution of discharge or Wastewater into the POTW.

(84) **Wastewater:** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any Ground Water, surface water, and Storm Water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

(85) **Wastewater System:** The wastewater Collection Systems, pumping stations, Interceptor systems and treatment Plants, operated by the Municipalities and/or their Authorities and which directs flow to the Ephrata Wastewater Treatment Plants.

(86) **Waters of the Commonwealth:** All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulation of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the Commonwealth or any portion thereof.

2.2 Whenever the first letter of a defined term is capitalized in these Regulations, it shall be used as defined. Un-capitalized terms defined herein shall have their common and ordinary meaning.

2.3 Whenever the term "shall" is used in these Regulations, it is mandatory; "may" is permissive.

2.4 Any other term used herein shall be defined by the definitions established in the following documents:

A. The East Cocalico Township Authority general Sanitary Sewer Rates, Rules and Regulations, and if none appear there,

B. The Sewer Service Agreement, dated November 1, 1995, and if none appear there,

C. The Department of Environmental Protection of the Commonwealth of Pennsylvania Regulations and, if none appear there,

D. The U.S. Environmental Protection Agency Regulations.

2.5 The first letters of all references to Enforcement Authority forms and all fees are also capitalized, but such terms are not defined.

2.6 Interpretations

A. The words "hereof," "herein," "hereto," "hereby," and "hereunder" refer to these Regulations.

B. Every "request," "requisition," "order," "demand," "application," "notice," "statement," "certification," "consent" or similar action hereunder shall, unless the form thereof is specifically provided, be in writing signed by a duly authorized officer of the Person making, sending, issuing or publishing the item.

C. Words importing Persons include firms, associations, corporations, and all parties hereto and all words imparting the singular number include the plural number and vice-versa.

2.7 Abbreviations

The following abbreviations shall have the designated meanings:

BMP .....Best Management Practice
BOD .....Biochemical Oxygen Demand
CFR .....United States Code of Federal Regulations
COD .....Chemical Oxygen Demand
DEP .....Department of Environmental Protection
EPA .....United States Environmental Protection Agency
GPD.....Gallons Per Day
l.....Liter
mg.....Milligrams
MGD .....Million Gallons Per Day
mg/l .....Milligrams per Liter
NPDES .....National Pollutant Discharge Elimination System
POTW .....Publicly Owned Treatment Works
SIC .....Standard Industrial Classification
SWDA.....Solid Waste Disposal Act, 42 U.S.C. §6091 et. seq.
SS .....Suspended Solids
USC.....United States Code

(Amended 4/3/2008)

SECTION 3 – REGULATIONS

3.1 General Prohibitions

A. No User shall introduce or cause to be introduced, directly or indirectly, into the POTW any Pollutant or Wastewater which will Pass Through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of the POTW, whether or not the User is subject to National Categorical Pretreatment Standards or any other National, State, or local Pretreatment Standards or Requirements.

B. No User shall introduce or cause to be introduced, directly or indirectly, any Storm Water, surface water, spring water, Ground Water, roof runoff, subsurface drainage, building foundation drainage, or cellar drainage, into the POTW.

C. No User shall introduce or cause to be introduced, directly or indirectly, into the POTW any of the following Pollutants, substances, or Wastewater;

(1) Any liquids, solids, or gases 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 other way to the POTW or their operating personnel, or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit (140˚F) or sixty degrees Centigrade (60˚C) using the test methods specified in 40 CFR §261.21. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading be over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Prohibited materials include, but are not limited to: gasoline, fuel oil, kerosene, naphtha, benzene, toluene, xylene, paint products, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substances which the Enforcement Authority, the State or EPA has notified the User is a fire hazard or a hazard to the POTW.

(2) Wastewater having a stabilized pH, as defined in Section 3.3 Local Limits D. Table 1, or Wastewater having any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, biological and/or bacterial action or, damages to processes, and/or injury to personnel of the POTW.
(Amended 7/8/1999)

(3) Any solids or viscous substances which may cause obstruction to the flow in a Sewer or Collection System or other interference with the operation of the POTW such as, but not limited to, fats, oils and grease, Garbage with particles greater than one-half inch (½") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, cotton, wool, plastics, gasoline, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes, bentonite, lye, building materials, rubber, leather, porcelain, china, ceramic wastes, polishing wastes, or other solid or viscous substances capable of causing obstruction or other interference with the operation of the POTW;

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

(5) Wastewater having a temperature at the point of User discharge higher than one

hundred fifty degrees Fahrenheit (150˚F), or any Wastewater which will inhibit biological activity at the POTW(s) but in no case may Wastewater which causes the temperature at the influent of the POTW to exceed one hundred four degrees Fahrenheit (104˚F) or forty degrees Centigrade (40˚C), or is less than thirty-two degrees Fahrenheit (32˚F) or zero degrees Centigrade (0˚C).

(6) Containing any 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, except at discharge points and except using procedures as approved by the Enforcement Authority, in accordance with these Regulations.

(9) Noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance, or to prevent entry into the POTW for maintenance and repair, or that may cause acute worker health and safety problems.

(10) Liquids, gases or solids which impart color which cannot be removed by normal methods or the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently impart color to the POTW's effluent, thereby violating the NPDES Permit. Color (in combination with turbidity) shall not cause the POTW effluent to reduce the depth of the compensation point for photosynthetic activity by more than ten percent (10%) from the seasonably established norm for aquatic life.

(11) Any radioactive materials or isotopes of such half-life or concentration as may exceed applicable Local, State or Federal regulations.

(12) Storm Water, surface water, spring water, contaminated or uncontaminated Ground Water, artesian well water, remediated contaminated groundwater, roof runoff, subsurface drainage, building foundation drainage, or cellar drainage.

(13) Any Toxic Substances in sufficient quantity which, either singly or by interaction with other Wastewater or Pollutants, may injure or interfere with any Wastewater treatment process, may constitute a hazard to humans or animals, or may create a toxic effect in the receiving waters of the POTW.

(14) Any substance which may cause the POTW's effluent or any other product of the POTW, such as residues, Sludge, Biosolids, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with Sludge and/or Biosolids recycling or disposal criteria 40 CFR (503), guidelines or regulations developed under §405 of The Act; any criteria, guidelines or regulations affecting Sludge and/or Biosolids use or disposal developed pursuant to the SWDA, the Clean Air Act, the Toxic Substance Control Act or State criteria applicable to the Sludge and/or Biosolids management method being used.

(15) Any substance which will Pass Through and as a result cause the POTW(s) to violate its NPDES Permit or its DEP Permit or the receiving stream's water quality Standards.

(16) Any lagoon wastes.

(17) Wastewater of such character and quantity that unusual attention or expense is required to handle such materials in the POTW, as determined by the Enforcement Authority, or in the case of the portions of the POTW owned by Municipal Owners or as determined by the Municipal Owner of an applicable Collection System.

(18) Any Wastewater of such character and quantity that unusual attention or expense is required to handle it at the Facilities, except as may be subject to a "Surcharge" and approved by the Enforcement Authority.

(19) Any waste listed as hazardous or having the characteristics of hazardous waste as listed in 40 CFR 261.

D. No User shall introduce or cause to be introduced, whole blood directly or indirectly, into the POTW unless specifically authorized by the Enforcement Authority. Such authorization shall be limited to a maximum of twelve (12) gallons per day allowable flow from any User. Such authorization shall be by way of a permit condition for those Users that require Industrial Waste Discharge Permits (i.e. Major or Minor Industrial Users) or by way of written letter of authorization for permit exempt Industrial Users.

E. No User shall introduce or cause to be introduced boiler blow-down directly or indirectly, into the POTW unless specifically authorized by the Enforcement Authority. Such authorization shall be limited to only those Users that can demonstrate to the Enforcement Authority that their boiler blow-down will not cause a violation of any discharge criteria listed in these Regulations, including but not limited to temperature and pH criteria. Such authorization shall be by way of permit conditions for those Users that require Industrial Waste Discharge Permits (i.e. Major or Minor Industrial Users) or by way of written letter of authorization for permit exempt Industrial Users.

F. No User shall introduce or cause to be introduced non-contaminated and or Non-contact Cooling or process water and or condensate into the POTW unless specifically authorized by the Enforcement Authority. Such authorization shall be limited to a maximum of one quarter gallon per minute or 360 gallons per day allowable flow from any User. Such authorization shall be by way of a permit condition for those Users that require Industrial Waste Discharge Permits (i.e. Major or Minor Industrial Users) or by way of written letter of authorization for permit exempt Industrial Users.

3.2 National Categorical Pretreatment Standards

The Categorical Pretreatment Standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated.

A. Where a Categorical Pretreatment Standard is expressed only in terms of either the mass or the concentration of a Pollutant in Wastewater, the Enforcement Authority may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).

B. When Wastewater subject to a Categorical Pretreatment Standard is mixed with Wastewater not regulated by the same standard, the Enforcement Authority shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).

C. A User may obtain an E.P.A. variance from a Categorical Pretreatment Standard if the Industrial User can prove, pursuant to the procedural and substantive provisions in 40 CFR

403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Pretreatment Standard.

D. An Industrial User may obtain a net gross adjustment to a Categorical Standard in accordance with 40 CFR 403.15.

3.3 Local Limits

A. Local limits on the concentration of special Pollutants are hereby established for all Industrial Users as listed in Table 1 in this section. These limits are established in accordance with 40 CFR 403.5(C).

B. The Enforcement Authority reserves the right to establish alternate special Pollutant discharge limitations in individual Industrial Waste Discharge Permits, but only in accordance with regulatory Requirements. At no time will the summation of the Industrial Users' discharges be greater than the allowable industrial head-works loading as defined in 40 CFR Part 403. The specific Pollutant discharge limitations, if more stringent than the National Categorical Pretreatment Standard shall immediately supersede that National Categorical Pretreatment Standard. To the extent that any Federal or State Requirements and limitations on discharges are more stringent than the local limits, the most stringent Requirement and limitations shall apply.

C. The Pollutant concentrations shall be measured in a representative sample collected at the point of discharge of the Industrial User to a public Collection System. The concentrations shall be based on a twenty-four (24) hour Composite Wastewater Sample, except however, for certain Pollutants the Industrial User may request and the Enforcement Authority may allow that this concentration be determined by analyses of Grab Sample. Certain Pollutants such as temperature and grease must be determined on the basis of a Grab Sample (see Section 6.10). Any sampling criteria shall be described in the Industrial Waste Discharge Permit.

D. Table 1 – Maximum Allowable Concentration** Local Limit (mg/1)

POLLUTANT (Total)	SERVICE AREA	
	WWTP #1	WWTP #2
Arsenic	1.29	0.14
Cadmium	0.18	0.10
Chromium (Hex)	0.23	---
Copper	0.31	0.29
Lead	---	1.00
Mercury	0.051	0.0089
Molybdenum	---	0.17
Nickel	---	1.45
Selenium	1.13	0.31
Zinc	0.73	1.60
Fats, Oil & Grease (FOG)	100.0	100.0
pH*	5.0 – 12.5	5.0 – 12.5

pH* Standard Units 5.0 – 12.5

NOTES: * pH is expressed as an upper and lower limit, not a maximum allowable concentration
** Daily maximum limit is two times the monthly average limit

(Amended 7/8/1999; 4/3/2008; 3/13/2014, 7/29/2025)

E. If the Pollutant concentrations or loads in excess of those specified in these Regulations are discharged, or are proposed to be discharged to the POTW, or which in the judgment of the Enforcement Authority, Pollutant concentrations and/or loads may have a deleterious effect upon the POTW, the Enforcement Authority may do any or all of the following and/or take additional actions as may be provided herein upon giving notice to the Industrial User and/or discharger:

(1) Require, by way of informal notice, by telephone, to the Industrial User, immediate discontinuance of the waste discharge until such time as it meets the Requirements;

(2) Reject the waste;

(3) Require Pretreatment to reduce characteristics to maximum limits permitted by these Regulations;

(4) Require control over the quantities and rates discharged.

F. In no circumstance shall an Industrial User discharge or cause to be discharged into the POTW, any of the substances listed in Section 3.3, Subsection D above, without first filing an Industrial Waste Discharge Permit Application and receiving written approval by the Enforcement Authority, as described in Section 4 herein.

G. Whenever a Person has received written authorization from the Enforcement Authority to discharge any polluted water, Wastewater or Industrial Waste containing any of the substances or possessing any of the characteristics referred to in Subsection 3.2 and/or Subsection 3.3 of these Regulations, such discharge shall be subject to the continuing approval, inspection and review of the Enforcement Authority. The Industrial User is also subject to the Regulations of the Authority. If, in the opinion of the Enforcement Authority or if applicable, the Authority, such discharges are causing or will cause damage to the POTW, the Enforcement Authority, or if applicable, the Authority shall order the Person causing such discharge to cease doing so forthwith, or take other appropriate action, as may be required by the Enforcement Authority or if applicable, the Authority, to eliminate the harmful discharge.

H. No Industrial 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 Enforcement Authority may impose mass limitations on Industrial Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases, when the imposition of mass limitations is appropriate.

3.4 Pretreatment Requirements

A. Industrial Users shall design, construct, operate and maintain Pretreatment facilities whenever necessary to reduce Pollutant concentrations and/or amounts or Industrial Users shall modify their Wastewater to achieve compliance with these Regulations. The review or approval of Pretreatment facility plans, specifications and operating procedures by the Enforcement Authority and its consulting engineer shall not excuse, mitigate or provide any defense to any violations by the Industrial User, of these Regulations or any federal, State or local Requirements.

B. The construction of required Pretreatment facilities shall be accomplished in accordance with a responsible completion schedule prepared by the Industrial User and approved by the

Enforcement Authority. If, in the opinion of the Enforcement Authority, the schedule prepared by the Industrial User is not reasonable, a completion schedule shall be established by the Enforcement Authority.

C. Any Industrial User required by the Enforcement Authority to provide Pretreatment facilities, or desiring to, or required to modify existing Pretreatment facilities shall not commence construction or modifications of such Pretreatment facilities until;

(1) Construction drawings, specifications, completion schedule and other pertinent information relating to the proposed facilities have been submitted to the Enforcement Authority; and

(2) The Enforcement Authority provides written approval for the construction of the proposed facilities.

D. When approved in writing by the Enforcement Authority and placed in operation, Pretreatment facilities shall be continuously maintained in satisfactory and effective operation by the Industrial User, at his sole expense. The Enforcement Authority shall have the right to inspect said Pretreatment facilities at any reasonable time to insure such are being properly maintained and operated.

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

3.5 Accidental Discharge/Slug Load Control Plans

The Enforcement Authority shall evaluate at least once which Industrial Waste Discharge Permit holders need an accidental discharge/Slug control plan with reevaluations as necessary. The Enforcement Authority may require any Industrial User to develop, submit for approval, and implement such a plan. Alternatively, the Enforcement Authority may develop such a plan for any Industrial User. An accidental discharge/Slug control plan shall address, at a minimum, the following:
(Amended 4/3/2008)

A. Description of discharge practices, including non-routine batch discharges;

B. Description of stored chemicals;

C. Procedures for immediately notifying the Enforcement Authority of any accidental spill or Slug discharge;
(Amended 4/3/2008)

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.

3.6 Miscellaneous Regulations

A. Drainage of Swimming Pools

Filter backwash lines shall be discharged to the POTW as follows:

(1) Sand filter backwash may be discharged directly to the POTW.

(2) Diatomaceous earth filter backwash shall be prohibited from discharge to the POTW.

B. Fats, Grease, Oil or Sand Traps

Fats, grease, oil, or sand traps shall be installed by the Industrial User when, in the opinion of the Enforcement Authority, and/or in the opinion of Authority they are necessary for the proper handling of liquid wastes containing floatable grease in such amounts as are likely to cause obstruction to the flow in a Sewer or Collection System or other Interference with the operation of the POTW, or are necessary for the proper handling of any flammable waste, sand, or other harmful ingredients. Such traps shall not be required for private living quarters or dwelling units. All such traps shall be of a type and capacity acceptable to the Enforcement Authority and/or the Authority and shall be located as to be readily and easily accessible for cleaning and inspection. In maintaining the fats, grease, oil or sand traps, the Industrial User and the Owner(s) (if different Persons) shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of the dates and means of disposal which are subject to review by the Enforcement Authority and/or the Authority. Any removal and hauling of the collected materials not performed by Industrial User's and/or Owner's personnel must be performed by currently licensed waste disposal firms.

C. Garbage Grinders

The use of mechanical Garbage grinders producing a finely divided mass, properly flushed with an ample amount of water shall be discouraged but may be permitted. However, no such mechanical Garbage grinder to serve premises used for nonresidential purposes shall be installed until permission for such installation is obtained from the Enforcement Authority and the Authority. No Garbage grinder shall be connected so as to discharge through a grease trap. Use of mechanical Garbage grinders to serve commercial purposes may result in surcharges as described in Section 5.

D. Flow Equalization

The Enforcement Authority and the Authority shall have the right to require Industrial Users having large variations in the rate or strength of waste discharged to install suitable regulating devices for equalizing flows and/or loads to the POTW.

E. Hauled Wastewater

(1) Septic Tank Waste may be introduced into a POTW only at locations designated by the Enforcement Authority, and at such times as are established by the Enforcement Authority. Such waste shall not violate these Regulations, Requirements, or any other rules established by the Enforcement Authority. The Enforcement Authority shall require Septic Tank Waste haulers to obtain Industrial Waste Discharge Permits.

(2) The Enforcement Authority shall require haulers of Industrial Waste to obtain Industrial Waste Discharge Permits and the Enforcement Authority may require generators of hauled Industrial Waste to obtain Industrial Waste Discharge Permits. The Enforcement Authority also may prohibit the disposal of hauled Industrial Waste. The discharge of hauled Industrial Waste is subject to all other Requirements and these Regulations.

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

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

SECTION 4 – ADMINISTRATION

4.1 Industrial Waste Discharge Permit

A. General

All Industrial Users connected to and using the POTW or proposing to connect to and use the POTW including New Users and New Sources (as defined herein) shall apply to the Enforcement Authority for an Industrial Waste Discharge Permit. The Industrial User is required to check with the Authority to make sure the Authority's general regulations are also followed.

Certain Industrial Users will be required to obtain Industrial Waste Discharge Permits. Certain small Industrial Users will be eligible for permit exemptions, as specifically set forth herein.

B. Permit Application

All Industrial Users or proposed Industrial Users shall complete and file with the Enforcement Authority, an application in the form prescribed, and accompanied by a permit application fee as may be established by the Enforcement Authority by Resolution. Existing Industrial Users shall apply for an Industrial Waste Discharge Permit within sixty (60) days after the effective date of these Regulations. New Users shall apply at least ninety (90) days prior to the anticipated date for connecting to and/or using a Collection System served by the Facilities. In support of the application, the User shall submit the following information:

(1) Name and address of Industrial User and location of discharge, and (if different) the name and address of the Owner of the Improved Property being served;

(2) The name of the Municipal Owner proposed for the initial receipt of the proposed discharge of wastes;

(3) Wastewater characteristics and their relationship to National Categorical Pretreatment Standards, and the local limits established by Regulation. Sampling and analysis for this information shall be performed in accordance with 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 applicable techniques for the Pollutant in question, sampling and analysis shall be performed in accordance with procedures approved by EPA;

(4) Standard Industrial Classification (SIC) codes of Wastewater characteristics;

(5) Time and duration of Industrial Waste discharge;

(6) Average daily and peak flow rates (including daily, monthly and seasonal variations if appropriate);

(7) Site plans, floor plans, mechanical and plumbing plans, and details to show all Sewers, Sewer connections and appurtenances by size, location and elevation;

(8) Description of process producing Industrial Waste;

(9) Description of product and approximate rate of production;

(10) Description of raw materials processed;

(11) Number of employees, hours of operation, and projected hours of operation of Pretreatment system (if applicable);

(12) Additional information required by the Enforcement Authority as necessary to evaluate the permit application.

C. Application Signatories and Certification

All Industrial Waste Discharge Permit applications and Industrial User reports must be signed by an authorized representative of the Industrial 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."

D. Procedures

The procedure to be followed by the Enforcement Authority in acting on Industrial Waste Discharge Permit Applications shall be as follows. Within thirty (30) days of receipt of the application, the Enforcement Authority shall notify the applicant in writing by First Class mail to the address appearing on the application;

(1) That the Wastewater proposed to be discharged is acceptable and a permit will be issued by the Enforcement Authority upon receipt of a Permit Issuance Fee as may be established by Resolution; or

(2) That based upon the current facts as set forth in the application and accompanying data the applicant is currently exempt from permit and reporting Requirements; or

(3) That the Wastewater proposed to be discharged is unacceptable; or

(4) That the Wastewater proposed to be discharged will be acceptable and a permit will be issued by the Enforcement Authority, provided certain action is taken and maintained by the applicant, specifying the terms and conditions thereof and upon receipt of a Permit Issuance Fee as may be established by Resolution; or

(5) That the Enforcement Authority requires further information, studies or tests, specifying the Requirements thereof, before it can determine whether the proposed discharge is or is not acceptable.

E. Permit Classification and Permit Waivers

(1) Industrial Users shall be classified for the purposes of these Regulations into one of three (3) categories, as follows: Major Industrial User, Minor Industrial User, Permit Exempt Industrial User.

(2) Major Industrial Users are those Industrial Users that meet any of the following conditions:

(a) Are Significant Industrial Users (see definition);

(b) Discharges more than 25,000 gpd of Industrial Wastewater;

(c) Discharges more than fifty (50) pounds per day of BOD;

(d) Discharges more than fifty (50) pounds per day of Suspended Solids;

(e) Discharges more than twenty (20) pounds per day of fats, oil, or grease;

(f) Discharges more than three (3) pounds per day of total Phosphorus (P);

(g) Discharges more than ten (10) pounds per day of Ammonia Nitrogen. *(Amended 7/8/1999)*

(3) Minor Industrial Users are those Industrial Users that do not meet the criteria to be classified as either a “Major Industrial User” or a “Permit Exempt Industrial User”.

(4) Permit Exempt Industrial Users are those Industrial Users that meet all of the following criteria;

(a) Discharges less than 2,500 gpd;

(b) Discharges less than five (5) pounds per day of BOD;

(c) Discharges less than five (5) pounds per day of SS;

(d) Discharges less than two (2) pounds per day of fats, oils and/or grease;

(e) Discharges less than three-tenths (0.3) pounds per day of total Phosphorus (P);

(f) Discharges less than one (1) pound per day of Ammonia Nitrogen. *(Amended 7/8/1999)*

(5) The Enforcement Authority will determine the classification of the Industrial User based upon the information provided by the Industrial Waste Discharge Permit Application and any other information available to the Enforcement Authority.

(6) If the Industrial User is determined by the Enforcement Authority to be a Permit Exempt Industrial User, the Industrial User shall be exempt only from the permit and annual or quarterly reporting requirements (Section 4.2), inspection Manhole requirements (Section 4.3) and the surcharge payment requirements (Section 5) of these Regulations. Permit Exempt Industrial Users shall not be exempt from any other Requirements.

(7) If the Industrial User is determined by the Enforcement Authority to be a Minor Industrial User, the Industrial User shall be allowed to utilize the reduced reporting requirements specified in Section 4.2 herein.

(8) If upon information received from the Industrial Users and/or available to the Enforcement Authority based upon on-site inspection, flow tests or Wastewater sampling and testing, and/or available to the Enforcement Authority from other reliable sources, including but not limited to the Authority, the Enforcement Authority determines that an Industrial User's classification should change then (in that event) the Enforcement Authority shall serve notice upon the Industrial User of the proposed change(s), at least thirty (30) days prior to the effective date of that change(s) and the Industrial User, thereafter, shall be required to comply with all Requirements imposed upon that revised classification of Industrial User.

(9) The flow and loading criteria set forth in this section shall be based on peak day conditions as estimated or measured.

F. Permit Conditions

Industrial Waste Discharge Permits shall be issued subject to all provisions of these Regulations and all other applicable Requirements, User charges and surcharges (if applicable) and fees established. Permits shall include any or all of the following:

(1) A statement that indicates Industrial Waste Discharge Permit duration, which in no event shall exceed five (5) years;

(2) A statement that the Industrial Waste Discharge Permit is nontransferable without prior notification to Enforcement Authority and Municipal Owner in accordance with Subsection H. of this section, and provisions for furnishing the new Owner or operator with a copy of the existing Industrial Waste Discharge Permit;

(3) The unit charge or schedule of User charges and/or surcharges for the Wastewater to be discharged to the POTW;

(4) Limits on the average and maximum Wastewater characteristics;

(5) Limits on average and maximum rates and time of discharge or Requirements for flow regulation and equalization;

(6) Requirements for installation and maintenance of inspection and sampling facilities;

(7) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and Standards for tests and reporting schedule;

(8) Compliance schedules;

(9) Requirements for submission of discharge reports;

(10) Requirements for maintaining operating records relating to Wastewater discharge and affording the Enforcement Authority and/or the Authority access thereto;

(11) 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 POTW;

(12) 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;

(Amended 4/3/2008)

(13) Requirements for the development and implementation of waste minimization plans to reduce the amount of Pollutants discharged to the POTW;

(14) A statement that compliance with the Industrial Waste 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 Industrial Waste Discharge Permit; and

(15) Other conditions as deemed appropriate by the Enforcement Authority for individual permittees to ensure compliance with Requirements.

(16) A statement that the conditions of the permit incorporate these Regulations, as amended from time to time, and a copy of these Regulations, as of the date of the permit issuance shall be delivered with the permit, but the lack of delivery or receipt of these Regulations shall not be considered a defect in the permit. The Users and permittees have the availability of these Regulations and amendment(s) thereto at the Enforcement Authority and/or the Authority.

(17) Requirements for the development and implementation of Best Management Practices necessary to ensure compliance with applicable Requirements.

(Amended 4/3/2008)

G. Permit Duration

An Industrial Waste Discharge Permit shall be issued for a specified time period, not to exceed five (5) years or it may be issued to expire on a specific date. The Industrial User shall apply in writing for permit re-issuance a minimum of one hundred eighty (180) days prior to the expiration of an existing permit. The terms and conditions of the permit shall be subject to modification by the Enforcement Authority during the term of the permit as limitations or Requirements are modified or other just cause exists. The Enforcement Authority shall serve notice on the Industrial User of that proposed change(s) at least thirty (30) days prior to the effective date of that change(s). Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

H. Permit Transfer

Industrial Waste Discharge Permits are issued to a specific User for a specific operation. A permit may not be reassigned, transferred or sold to a new Owner, new User, different premises or a new or changed operation, such as a New User, without the previous written approval of the Enforcement Authority. Any application for a permit transfer must include a written certification that the new User (or new Owner, as applicable):

(1) States that the User (or Owner) has no immediate intent to change the facility's operations and processes;

(2) Identifies the specific date on which the transfer is to occur; and

(3) Acknowledges full responsibility for complying with the existing Industrial Waste Discharge Permit.

I. Waste Characteristic Change

Any User or Owner who is discharging Industrial Waste into the POTW and who contemplates a change in the method of operation or in the Pretreatment facilities which will alter the type of Industrial Waste then being discharged into the POTW shall apply for a new Industrial Waste Discharge Permit at least thirty (30) days prior to such change. The revised Industrial Waste Discharge Permit will be subject to a Permit Modification Issuance Fee as may be established by Resolution. Approval or disapproval of a modified permit shall be regulated by the procedures established hereunder for the issuance of an original permit.

J. Separation of Wastes

Where the User can prove to the satisfaction of the Enforcement Authority that there is a complete separation of Sanitary Wastewaters from Industrial Wastes within an industrial establishment, with only the Sanitary Wastewater discharged to the POTW and submits a written certification thereof pursuant to Section 4.1.C, herein, no Industrial Waste Discharge Permit will be required.

K. Public Notification

The Enforcement Authority, at the expense of the applicant for an Industrial Waste Discharge Permit, shall publish a notice of intent to issue any initial or major modifications to an Industrial Waste Discharge Permit in a newspaper of general circulation, at least fourteen (14) days prior to issuance. The notice shall indicate a location where the application for the permit may be reviewed and an address where written comments may be submitted.

L. Permit Appeals

Upon receipt by the Enforcement Authority of written request from an interested party, the Enforcement Authority will provide the interested party with written notice of a final permit decision by first-class mail to the address provided by that party. Any Person so notified, including the permittee, may appeal the terms of the Industrial Waste Discharge Permit, in writing, to the Enforcement Authority within thirty (30) days of the date of notice of its issuance, subject to the following:

(1) No appeal shall be considered complete unless accompanied by the appeal fee established by resolution.

(2) Failure to submit a timely appeal shall be deemed to be a complete waiver of all rights which could have been included in the appeal.

(3) The effectiveness of the Industrial Waste Discharge Permit shall not be stayed pending final decision on the appeal.

(4) The appeal must be in writing and the Person so appealing must state the grounds for their appeal. If the appellant is the permittee, the permittee shall indicate the provisions of the permit to which objection is made, the reasons for the objection, and the alternative conditions, if any, permittee seeks to be placed in the permit.

(5) If the appellant desires a hearing on the appeal, the appellant must request a hearing in their appeal notice. Any hearing will be conducted in accordance with the provisions of Local Agency Law, 2 Pa.C.S. §551 et. seq.

(6) The Enforcement Authority shall issue a written decision granting or denying the appeal, as appropriate. If, after reviewing the appeal and any evidence which may be presented, the Enforcement Authority determines that the appeal should be granted, the Enforcement Authority shall reissue the permit, as modified, or revoke the permit if the appeal requested revocation.

Appeals from all final determinations of the Enforcement Authority shall be made to Lancaster County Court of Common Pleas in accordance with the provisions of the Local Agency Law, 2 Pa.C.S. §751 et. seq.

M. Industrial Waste Discharge Permit Modifications by the Enforcement Authority

The Enforcement Authority may modify an Industrial Waste Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements;

(2) To address significant alterations or additions to the Industrial User's operation, processes, or Wastewater volume or character since the time of Industrial Waste Discharge Permit issuance;

(3) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

(4) Information indicating that the permitted discharge poses a threat to POTW, personnel, or the receiving waters;

(5) Violation of any terms or conditions of the Industrial Waste Discharge Permit or these regulations;

(6) Misrepresentations or failure to fully disclose all relevant facts in the Industrial Waste Discharge Permit application or in any required reporting;

(7) Revision of, or a grant, of variance from Categorical Pretreatment Standards pursuant to 40 CFR 403.13;

(8) To correct typographical or other errors in the Industrial Waste Discharge Permit; or

(9) To reflect a transfer of the facility ownership or operation to a new Owner or operator, pursuant to Section 4.1H hereof.

N. Industrial Waste Discharge Permit Revocation

The Enforcement Authority may revoke an Industrial Waste Discharge Permit for good cause, including, but not limited to, the following reasons:

(1) Failure to notify the Enforcement Authority of significant changes to the Wastewater prior to the changed discharge;

(2) Failure to provide prior notification to the Enforcement Authority of changed conditions pursuant to Section 6.5 hereof;

(3) Misrepresentation or failure to fully disclose all relevant facts in the Industrial Waste Discharge Permit Application;

(4) Falsifying self-monitoring reports;

(5) Tampering with monitoring equipment;

(6) Refusing to allow the Enforcement Authority and/or the Authority timely access to the facility premises and records;

(7) Failure to meet effluent limitations;

(8) Failure to pay fines;

(9) Failure to pay sewer charges and costs;

(10) Failure to meet compliance schedules;

(11) Failure to complete a Wastewater survey or the Industrial Waste Discharge Permit Application;

(12) Failure to provide a completed application for a permit transfer in accordance with Section 4.1H hereof, for a new User or Owner;

(13) Violation of any Pretreatment Standard or Requirement, or any terms of the Industrial Waste Discharge Permit or these Regulations.

Industrial Waste Discharge permits shall be voidable upon cessation of operations or transfer of business ownership. All Industrial Waste Discharge Permits issued to a particular User are void upon the issuance of a new Industrial Waste Discharge Permit to that Industrial User.

4.2 General Reporting Requirements for Permittee

A. Each Major Industrial User permittee shall submit to the Enforcement Authority, ten (10) days prior to the first day of March, June, September and December, an Industrial Waste Contribution Report.

B. Each Minor Industrial User permittee shall submit such a report only once per year, prior to the anniversary date of its permit. The Enforcement Authority may require more than one (1) report per year, however, as a permit condition.

C. The Industrial Waste Contribution Report shall be on a form provided by the Enforcement Authority and shall indicate the nature and concentration of Pollutants in the Industrial Waste effluent. The waste characteristics shall be based on the results of analysis of the waste performed by a qualified laboratory acceptable to the Enforcement Authority. Upon specific approval of the Enforcement Authority the Permittee may elect to employ laboratories owned by the Industrial User or Owner for the analysis of certain parameters being monitored. However, at least once per year, a split sample shall be analyzed for all parameters being monitored in-house by both the in-house laboratory and a qualified independent laboratory. The results of both laboratories shall then be submitted to the Enforcement Authority for review. The Enforcement Authority may deny and/or withdraw the approval for the use of laboratories owned by the Industrial User or Owner at any time. This report shall also include the Average Daily Flow for the reporting period.

D. At the discretion of the Enforcement Authority and in consideration of such factors as production schedules, budget cycles, etc., the Enforcement Authority may agree to alter the months during which the above reports are to be submitted.

E. Significant Industrial Users shall also be subject to the reporting Requirements of Section 6 herein.

4.3 Sampling, Flow Measurement, Testing and Inspection

A. All Major Industrial Users and Minor Industrial Users shall install at their expense a suitable control Manhole, (together with meters if required by the Enforcement Authority as a condition of the permit) and other appurtenances in the private connecting Sewer lateral to provide for inspection, sampling and measurement of the waste. The control Manhole should normally be situated on the User's premises, but the Enforcement Authority may, when such a location would be impractical or cause undue hardship on the User, allow the control Manhole to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles. There shall be ample room in or near the control Manhole to allow accurate sampling and preparation of samples for analysis. The control Manhole, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the User. Construction of the control Manhole shall be completed within ninety (90) days following the date of written notice by the Enforcement Authority.

B. In the event that no control Manhole has been constructed, the control Manhole shall be considered to be the nearest downstream Manhole in the POTW to the point at which the building Sewer is connected.

C. Users discharging Industrial Waste to the POTW shall provide the Enforcement Authority and its representatives the opportunity of access at any time, upon reasonable notice, to any Improved Property served by the POTW as shall be required for purposes of inspection, measurement, sampling, testing and records examination to ascertain whether the purpose of these Regulations is being met and all Requirements are being complied with, and for performance of other functions relating to service rendered by the Enforcement Authority. The Enforcement Authority shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations.

D. All measurements, samplings, tests, and analysis of the characteristics of waters and wastes to which reference is made in these Regulations 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 analysis must be performed in accordance with procedures approved by EPA.

E. Twenty-four (24) hour Composite Wastewater Samples shall be considered the standard for all sampling performed in accordance with the Regulation, except where Grab Samples are required in Section 6.10 hereof. However, other appropriate sampling procedures may be acceptable at the discretion of the Enforcement Authority, if previously approved and included as part of the permit conditions.

F. The costs of all measurement, sampling, testing, inspection and other monitoring activities incurred by the Enforcement Authority while enforcing the provisions of these Regulations shall be the sole responsibility of and paid by the applicable Industrial User. Such costs shall be additional User charges and shall be charged directly to the Industrial User using the same procedures for billing and collection as used for the billing and collection of surcharges, as described in Section 5 hereof.

SECTION 5 – PRETREATMENT CHARGES, FEES AND SURCHARGES

5.1 Pretreatment Charges and Fees

The Authority may adopt by Resolution from time to time charges and fees which may include, but are not limited to, the following:

A. Fees for reimbursement of costs of setting up and operating the Enforcement Authority's Pretreatment Program, including, but not limited to, legal and engineering costs;

B. Fees for Industrial Waste Discharge Permit Application;

C. Fees for monitoring, inspections and surveillance procedures; including the cost of collecting and analyzing an Industrial User's discharge and reviewing monitoring reports submitted by Industrial Users;

D. Fees for filing appeals;

E. Fees for consistent removal by the Enforcement Authority of Pollutants otherwise subject to Federal Categorical Pretreatment Standards; and

F. Other fees as the Enforcement Authority and/or the Authority may deem necessary to carry out the Requirements of these Regulations.

These fees relate solely to matters covered by these Regulations and are separate from other fees, fines and penalties chargeable by the Enforcement Authority, and/or any Municipal Owner.

5.2 Surcharges

A. Certain portions of the Facilities have been designed to accommodate treatment of Wastewater BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen. Certain costs of operations of the Facilities are incurred by the Enforcement Authority for the removal of BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen from the Wastewater flows. If all Users discharged

Wastewater with similar concentration of BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen, then the imposition of User rates on the flow basis would be fair and equitable. Certain Users of the Facilities, however, discharge Wastewater with concentrations of BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen that are significantly greater than average concentrations of these Pollution parameters. Since the Enforcement Authority has provided certain equipment and expends certain operating costs that are provided to accommodate the treatment of BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen, it has been determined that those costs of equipment and operation should be allocated onto the Users on a pro-rata basis for those Users that discharge their wastes with concentrations of BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen that exceed the average wasteload concentrations. This allocation is hereby imposed by Surcharges as described by these Regulations. Because of the high cost of analyzing BOD, Suspended Solids, Phosphorus and Ammonia Nitrogen concentrations these Surcharges will only be imposed upon Users that generate large Wastewater flows. These surcharges are imposed only on Major and Minor Industrial Users. Discharges generated by Major Industrial Users and Minor Industrial Users containing concentrations of BOD and/or Suspended Solids in excess of two hundred and fifty (250) mg/l shall be subject to a surcharge factor. Discharges generated by Major Industrial Users and Minor Industrial Users containing concentrations of Phosphorus in excess of fifteen (15) mg/l and/or Ammonia Nitrogen concentrations in excess of fifty (50) mg/l shall be subject to a surcharge factor. This surcharge factor shall be applied to the Standard User Fee.
(Amended 7/8/1999)

B. For the purposes of this section, the term "Standard User Fee" shall be that fee that Municipalities and/or Municipal Authorities pay to the Enforcement Authority for the pro rata cost of operation and the pro rata payment of total annual capital cost as established in accordance with the procedures described in Sections 6.01 and 6.02 of the Sewer Service Agreement.

C. The Major Industrial User and Minor Industrial User shall be charged their regular customer charge for Wastewater directly by the Authority. This charge must be paid to the Authority in accordance with the Rates, Rules and Regulations of the Authority.

D. The surcharges imposed by these Regulations are separate charges that will be charged directly by the Enforcement Authority, on the Major Industrial User and Minor Industrial User and this separate charge will be payable directly to the Enforcement Authority. The surcharge factors shall be imposed on the Standard User Fees as described above in Section B herein, and not on the regular customer charges described in Section C herein.

E. The surcharge factors shall be imposed on the Standard User Fees as described above in Section B herein, and not on any base minimum quarterly charge.

F. The surcharge factors shall be imposed on Standard User Fees calculated on existing Industrial User flows and not projected or future flows and, and therefore, no surcharge shall be imposed upon any User Reservation Fee or Tapping Fee that may be required by other Regulations.

G. Surcharge factors shall be computed on the basis of the measured or estimated concentration of Pollutants for data as may be available to the Enforcement Authority. The basis for the calculation of these factors shall be average daily loading concentrations based upon thirty (30) day averages. If the data is available based upon an analysis of daily testing of twenty-four (24) hour Composite Wastewater Samples, that data will be used to compute the surcharge factor. If less detailed data is available, the Enforcement Authority shall use its discretion to select the loading concentration based upon the best available information. This concentration data may, therefore, only be based upon an analysis of periodic Grab Samples. If the Industrial User

objects to the loading concentration used for the calculation of these factors the Industrial User can provide the Enforcement Authority with more complete test data.

H. The establishment of concentration loads for billing purposes shall be made no more frequently than annually, unless otherwise established for Major Industrial Users, as quarterly as a condition of the Industrial Waste Discharge Permit. That is, the Enforcement Authority shall establish the surcharge factor annually (except as noted) and bill for the following year using that factor.

I. Surcharge Factor

For the Major Industrial User and/or Minor Industrial User whose discharge has a total BOD concentration in excess of two hundred fifty (250) mg/l, and/or Suspended Solids concentration in excess of two hundred fifty (250) mg/l, and/or Phosphorus concentrations in excess of fifteen (15) mg/l and/or Ammonia Nitrogen concentrations in excess of fifty (50) mg/l, a surcharge factor will be applied to the Standard User Fee to arrive at the industrial surcharge bill.

This surcharge is imposed upon Major Industrial Users and Minor Industrial Users to allow the recovery of the pro rata normal costs incurred by the Enforcement Authority to provide the Facilities and Facility operation and maintenance for removal of B.O.D., Suspended Solids, Phosphorus and Ammonia Nitrogen when discharged into the POTW in a concentration higher than the concentration of those components in Sanitary Wastewater. The surcharge factor will be established by Resolution of the Enforcement Authority.

(Amended 7/8/1999)

5.3 Collection

Any and all charges, costs, fees, surcharges, expenses, etc. shall in addition to other methods provided herein or in other Requirements be due and collectible by the Enforcement Authority in the same manner as Sewer charges are due and collectible by the Enforcement Authority.

SECTION 6 – REPORTING REQUIREMENTS FOR SIGNIFICANT INDUSTRIAL USERS

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 POTW shall submit to the Enforcement Authority 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 Enforcement Authority 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.

B. Industrial 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, and Standard Industrial Classifications of the operation(s) carried out by such Industrial 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 waste stream formula set out in 40 CFR 403.6(e).

(5) Measurement of Pollutants.

(a) The Categorical Pretreatment Standards applicable to each regulated process.

(b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Enforcement Authority, of regulated Pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.10 hereof.

(c) Sampling must be performed in accordance with procedures set out in Section 6.10 hereof.

(d) In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Enforcement Authority or the applicable Standards to determine compliance with the Standard.

(Amended 4/3/2008)

(6) Certification. A statement, reviewed by the Industrial 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 Section 6.2 hereof.

(8) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.1(C) hereof

6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(B)(7) hereof:

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

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

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 POTW, any Industrial User subject to such Pretreatment Standards and Requirements shall submit to the Enforcement Authority a report containing the information described in Section 6.1(B)(4-6) of these Regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the Industrial User's long-term production rate. For all other Industrial 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 Industrial User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.1(C) hereof.

6.4 Periodic Compliance Reports

A. All Major Industrial Users shall cause to be submitted to the Enforcement Authority original monitoring results from an independent laboratory at a frequency determined by the Enforcement Authority but in no case less than four times per year (by March, June, September and December). The monitoring results shall indicate the nature and concentration of Pollutants in the discharge which are limited by Pretreatment Standards. The independent laboratory shall be of the User's choice and approved by the Enforcement Authority, and will conduct all sampling without prior notice to the User. Measured or estimated average and, if required, maximum daily flows for the reporting period shall be obtained from the municipality and cause to be submitted to the Enforcement Authority quarterly. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Enforcement Authority or the applicable Standards to determine compliance with the Standard at least quarterly. All periodic compliance reports must be signed and certified in accordance with Section 4.1(C) hereof.
(Amended 4/3/2008)

B. All Wastewater samples must be representative of the Industrial User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. Wastewater meters shall be calibrated at least annually, water meters shall be calibrated at least once every ten (10) years. The failure of an

Industrial User to keep its monitoring facility(ies) in good working order shall not be grounds for the Industrial User to claim that sample results are unrepresentative of its discharge.

C. If a Industrial User subject to the reporting Requirement in this section monitors any Pollutant more frequently than required by the Enforcement Authority, using the procedures prescribed in Section 6.11 hereof. The results of this monitoring shall be included in the report.

6.5 Reports of Changed Conditions

Each User must notify the Enforcement Authority of any planned changes to the User's operations or system which might affect the potential for a slug discharge or has the potential to alter the nature, quality, or volume of its Wastewater at least thirty (30) days before the change.
(Amended 4/3/2008)

A. The Enforcement Authority 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 under Section 4.1B hereof.

B. The Enforcement Authority may issue an Industrial Waste Discharge Permit under Section 4.1F hereof or modify an existing Industrial Waste Discharge Permit under Section 4.1I hereof in response to changed conditions or anticipated changed conditions.

C. For purposes of this Requirement, the term ‘changes’ include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported Pollutants.
(Amended 4/3/08)

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, a User shall immediately telephone and notify the Enforcement 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 Enforcement Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, natural resources, or any other damage to Person or property; nor shall such notification relieve the User of any fines, penalties, or other liability which may be imposed pursuant to these Regulations.

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

6.7 Reports from Un-permitted Users

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

6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by an Industrial User indicates a violation, the Industrial User must notify by telephone the Enforcement Authority within twenty-four (24) hours of becoming aware of the violation and shall provide written notice within five (5) days. The Industrial User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Enforcement Authority within thirty (30) days after becoming aware of the violation. The Industrial User is not required to resample if the Enforcement Authority monitors at the Industrial User's facility at least once a month, or if the Enforcement Authority samples between the Industrial User's initial sampling and when the Industrial User receives the results of this sampling.

6.9 Analytical Requirements

All Pollutant analyses, including sampling techniques, to be submitted as part of an Industrial Waste 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.

6.10 Sample Collection

A. Except as indicated in Section B. below, the Industrial User must collect Wastewater samples using flow-proportional twenty-four (24)-hour Composite Wastewater Sample collection techniques. The Enforcement Authority may authorize the use of time-proportional sampling or a Grab Sample where the Industrial 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.

(Amended 4/3/2008)

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

6.11 Timing

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

6.12 Record Keeping

Industrial Users subject to the reporting Requirements of this article shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities or BMPs required by this article and any additional records of information obtained pursuant to monitoring activities or BMPs undertaken by the Industrial User independent of such Requirements. Records shall include the date, exact place, method, and time of sampling, and the name of the Person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. Also, records necessary to demonstrate compliance with applicable BMPs must be kept. This may include records of pH or flow meter calibration. 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 Enforcement Authority, or applicable Municipal Owner of a Collection System used by the Industrial User, or where the User has been specifically notified of a longer retention period by the Enforcement Authority.

(Amended 4/3/2008)

SECTION 7 – COMPLIANCE MONITORING

7.1 Right of Entry: Inspection and Sampling

The Enforcement Authority and/or the Authority shall have the right to enter the premises of any User to determine whether the User is complying with all Requirements and any Industrial Waste Discharge Permit or order issued hereunder. Users shall allow the Enforcement Authority and/or the Authority access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

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

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

C. The Enforcement Authority may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense.

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

E. Unreasonable delays in allowing the Enforcement Authority and/or the Authority access to the User's premises shall be a violation of these Regulations.

7.2 Search Warrants

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

SECTION 8 – CONFIDENTIAL INFORMATION

Information and data on a User obtained from reports, surveys, Industrial Waste Discharge Permit applications, Industrial Waste Discharge Permits, and monitoring programs, and from the Enforcement Authority's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Enforcement Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted in writing at the time of submission of the information or data. When requested and demonstrated by the User furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental

agencies for uses related to the NPDES program or Pretreatment program, and in enforcement proceedings involving the Person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

SECTION 9 – PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE

The Enforcement Authority shall publish annually, in a newspaper of general circulation published in Lancaster County, a list of the Users which, during the previous twelve (12) months, were in Significant Noncompliance (SNC) with applicable Industrial Waste Pretreatment Standards and/or Requirements.
(Amended 4/3/2008)

SECTION 10 – ADMINISTRATIVE ENFORCEMENT REMEDIES

10.1 Notification of Violation

When the Enforcement Authority finds that a User has violated, or continues to violate, any provision of these Regulations, an Industrial Waste Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Enforcement Authority may serve upon that User a written Notice of Violation pursuant to Section 13 hereof. 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 in writing by the User to the Enforcement Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Enforcement Authority to take any other action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

10.2 Consent Orders

The Enforcement Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 hereof and shall be judicially enforceable. Issuance of a consent order shall not be a bar against, or a prerequisite for, taking any other action against the User.

10.3 Show Cause Hearing

A. The Enforcement Authority may order a User which has violated, or continues to violate, any provision of these Regulations, an Industrial Waste Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, to appear before the Hearing Board as set forth in Subsection B of this section 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 at least ten (10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

B. The Hearing Board shall conduct the hearing and is authorized to(1) issue notices of hearings requesting the attendance and testimony of witnesses and production of evidence relevant to any matter involved in such hearings; (2) take evidence; and (3) transmit a report of the evidence

and hearing, including transcripts and other evidence together with recommendations to the Enforcement Authority for action thereon.

At any hearing pursuant to this Section, testimony shall be under oath and recorded stenographically.

The transcript so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges therefore.

After the Hearing Board has reviewed the evidence, it may issue an order to the User responsible for the violation, directing that following a specific time period, the sewer service shall be discontinued unless adequate treatment facilities, devices or other related appurtenances have been installed and existing treatment facilities, devices or other related appurtenances are properly operated. Further orders and directives deemed necessary and appropriate may be issued by the Hearing Board, including the assessment of cost associated with the hearing.

C. The Hearing Board shall be appointed by the Intermunicipal Group. One (1) member of the board shall be a member of the staff of the Owner of the Facilities; one (1) member shall be a professional engineer skilled in practice of sanitary engineering; one (1) member shall be a representative of industry or manufacturing enterprise; one (1) member shall be a lawyer; and one (1) member shall be selected at large for his or her interest in accomplishing the objectives of these Regulations.

D. Terms on the Board shall be for a period of five (5) years. The Intermunicipal Group shall appoint representatives to fill vacancies on the Board to complete unexpired terms. Interim appointments may be permitted to serve an additional full term on the Board.

10.4 Compliance Orders

When the Enforcement Authority finds that a User has violated, or continues to violate, any provision of these Regulations, an Industrial Waste Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, the Enforcement Authority may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided by installing and properly operating adequate treatment facilities, devices, or other related appurtenances, sewer service may be discontinued. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of Pollutants discharged to the POTW. 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 Enforcement Authority finds that a User has violated, or continues to violate, any provision of these Regulations, an Industrial Waste Discharge Permit or order issued hereunder, or any other Pretreatment Standard or Requirement, or that the User's past violations are likely to recur, the Enforcement Authority may issue an order to the User directing it to cease and desist all such violations and directing the User to:

A. Immediately comply with all Requirements; and

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

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

10.6 Administrative Fines

A. Notwithstanding any other provision in these Regulations, when any User has violated or continues to violate any provision of these Regulations, the Industrial Waste Discharge Permit, any order issued hereunder or any other Pretreatment Standard or Requirement, said User shall be assessed an amount not to exceed Two Thousand Five Hundred Dollars ($2,500) for each violation. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

B. In addition to the penalties provided herein, the Enforcement Authority may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the Person found to have violated these Regulations or the orders, rules, regulations and permits issued hereunder. Unpaid charges, fines and penalties shall constitute a lien against an individual User's property.

C. Users desiring to appeal such fines must file a written appeal along with payment in full of the fine assessed within ten (10) days of being notified of the fine. The Enforcement Authority shall convene a hearing on the matter within fifteen (15) days of receiving the appeal and payment, in full, of the fine assessed from the User. Appeals under this provision shall be conducted in the same manner as set forth in Section 10.3(B) hereof.

D. The Enforcement Authority may add the costs of preparing administrative enforcement actions, such as notices and orders, to the fine.

E. 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 Enforcement Authority may immediately suspend a User's discharge, after attempted telephone call to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Enforcement Authority may also immediately suspend a User's discharge, after notice by telephone 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, and/or cause or may cause a violation of the NPDES Permit of the POTW.

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 Enforcement Authority may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Enforcement Authority may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Enforcement Authority that the period of endangerment has passed, unless the termination proceedings in Section 10.8 hereof are initiated against the User.

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

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

10.8 Termination of Discharge

In addition to other provisions of these Regulations, any User who violates the following conditions is subject to discharge termination:

A. Violation of the Industrial Waste Discharge Permit conditions;

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

C. Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;

D. Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or

E. Violation of the required Pretreatment Standards.

F. Failure to pay surcharges, or User charges, or applicable costs, penalties or fines.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 hereof why the proposed action should not be taken. Exercise of this option by the Enforcement Authority 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 a User has violated, or continues to violate, any provision of these Regulations, an Industrial Waste Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Enforcement Authority may petition the Court of Common Pleas of Lancaster County through the Enforcement Authority's Attorney for the issuance of a preliminary or permanent injunction, or both, as appropriate, which restrains or compels the specific performance of the Industrial Waste Discharge Permit, order, or other Requirements imposed on activities of the User. The Enforcement Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a Requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

11.2 Civil Penalties

A. In addition to proceeding under any other remedy available at law, or equity for violation of these Regulations, the Industrial Waste Discharge Permit, any order issued hereunder or any other Pretreatment Standard or Requirement, the Enforcement Authority may assess civil penalties against any User who has violated or continues to violate any of the provisions of

these Regulations, the Industrial Waste Discharge Permit, any order issued hereunder or any other Pretreatment Standard or Requirement. Civil penalties may be assessed whether or not the violation was willful or negligent.

B. Any User who has violated or continues to violate any of the provisions of these Regulations, the Industrial Waste Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall be liable to the Enforcement Authority for a civil penalty not to exceed Twenty-Five Thousand Dollars ($25,000), plus actual damages incurred by the POTW per violation, per day as the violation continues. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

C. In addition to the above-described penalty and damages, the Enforcement Authority may recover reasonable attorney's fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses.

D. The Enforcement Authority shall petition the court to impose, assess and recover all such sums.

E. 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, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.

F. Filing a suit for civil penalties shall not be a bar against nor a prerequisite for taking any other action against a User.

11.3 Criminal Prosecution

A. A User who willfully or negligently violates any provision of these Regulations, an Industrial Waste Discharge Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement shall, upon conviction, thereof, 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 one (1) year, or both.

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 these Regulations, an Industrial Waste Discharge Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Regulations 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 one (1) year, or both.

11.4 As required by Article 7 of the Sewer Service Agreement, the Enforcement Authority will administer Industrial Waste penalties pursuant to these Regulations and/or pursuant to the "Publicly Owned Treatment Works Penalty Law" (POTW Penalty Law)(35 P.S. Section 752.1, et seq.).

11.5 Remedies Nonexclusive

The remedies provided for in these Regulations are not exclusive. The Enforcement Authority may take any, all, or any combination of these actions against a noncompliant User. Enforcement of Pretreatment violations will generally be in accordance with the Enforcement Authority's enforcement response plan.

However, the Enforcement Authority may take other action against any User when the circumstances warrant. Further, the Enforcement Authority is empowered to take more than one enforcement action against any noncompliant User.

SECTION 12 – COORDINATION WITH WASTEWATER COLLECTION SYSTEM OWNER

A. All Users and Owners shall remain responsible to the Authority for all costs and expenses incurred as a result of Wastewater being either directly or indirectly discharged into the Collection System, of such characteristics and/or quantity resulting in the need to repair, clean, replace and/or maintain the Collection System.

B. All Industrial Users shall promptly provide to the Authority one (1) copy of all notices, reports, test information and data required by these Regulations to be submitted to the Enforcement Authority.

C. Verification of the transmittal of information to Authority shall be provided to the Enforcement Authority as part of the similar transmittal of information required by the Enforcement Authority in these Regulations.

SECTION 13 – NOTICE PROVISIONS

Whenever the terms of these Regulations provide for any action to be taken including Notice and the service of documentation with respect to enforcement of the terms of these Regulations including termination of discharge, said notices and opportunities to respond shall be provided in addition to the User, to the Owner of the Improved Property served by the POTW, if the Owner is different than the User.

Every “notice”, “request”, “requisition”, “order”, “demand”, “application”, “statement”, “report”, “certification”, “consent”, or similar action hereunder shall, unless the form thereof is specifically provided, be in writing signed by the User or the Authorized Representative of the User making, sending, issuing or publishing the item pursuant to Section 4.1, Paragraph C hereof, or in the case of the POTW signed by the Superintendent or his duly authorized representative, and served by personal service or registered or certified mail (return receipt required), unless otherwise specifically indicated. Service upon any Authorized Representatives of a User as defined herein shall constitute service upon the User.

SECTION 14 – RESPONSIBILITY OF OWNERS OF IMPROVED PROPERTY

The Owner of each Improved Property connected to the Wastewater System shall be responsible for all acts of tenants or other occupants of such Improved Property insofar as such acts shall be governed by provisions of these Regulations and Requirements.

SECTION 15 – CONSTRUCTION AND SEVERABILITY

The provisions of these Regulations are severable, and if any section, sentence, clause, part or provision hereof shall be held to be illegal, invalid or unconstitutional by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, parts or provisions of these Regulations. It is hereby declared to be the intent of Authority that these Regulations would have been adopted if such illegal, invalid or unconstitutional section, sentence, clause, part or provision hereof had not been included herein.

SECTION 16 – WAIVER OF RIGHTS

The failure of the Enforcement Authority and/or the Authority to insist upon strict performance of these Regulations or any of the terms or conditions thereof shall not be construed as a waiver of any of its rights hereunder.

SECTION 17 – AMENDMENTS

The Authority reserves the right to adopt, from time to time, such additional Regulations it shall deem necessary and proper in connection with use and operation of the Wastewater System, which Regulation shall become and shall be construed as part of these Regulations.

SECTION 18 – REPEALER

The current Regulations Governing Admission of Industrial/Commercial Wastes Into the East Cocalico Township Authority Wastewater Collection System currently found at Appendix B-S to the East Cocalico Township Authority Sanitary Sewer Rates, Rules and Regulations, and titled, Regulations Governing Admitting of Waste Into the Sewer System, are hereby repealed.

SECTION 19 – EFFECTIVE DATE

This Appendix B-SE was adopted and effective October 9, 1997 to be a part of the Sanitary Sewer Rates, Rules and Regulations.