

**BUTLER AREA SEWER AUTHORITY**  
**BUTLER COUNTY, PENNSYLVANIA**

---

**RULES AND REGULATIONS**  
**GOVERNING INDUSTRIAL SEWER USE**

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**BUTLER AREA SEWER AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE I**

**GENERAL PROVISIONS**

**PURPOSE AND POLICY**

- 1.01** The Board of the Butler Area Sewer Authority has duly adopted the following Rules and Regulations governing the admission of Industrial Wastes to the Publicly Owned Treatment Works.
- 1.02** The Butler Area Sewer Authority, a body corporate and politic, existing under the laws of the Commonwealth of Pennsylvania, pursuant to the Municipal Authorities Act of 1945, approved May 2, 1945, P. L. 382, as amended, was duly organized by the City of Butler, Pennsylvania, and the Township of Butler, Pennsylvania, on November 5, 1962.
- 1.03** These Rules and Regulations set forth uniform requirements for Users of the Publicly Owned Treatment Works owned and operated by the Authority, and enable the Authority to comply with all applicable State and Federal laws required by the Clean Water Act (33 United States Code Section 1251 et seq.) and the General Pretreatment Regulations (40 CFR, Part 403).
- 1.04** The objectives of these Rules and Regulations are:
- (A.) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will Interfere with the operation of the system or contaminate the resulting sludge;
  - (B.) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will Pass Through the system, inadequately treated, into receiving waters, or otherwise be incompatible with the system;
  - (C.) To protect both Publicly Owned Treatment Works personnel who may be affected by wastewater and sludge in the course of their employment and the general public;
  - (D.) To promote beneficial reuse and recycling of wastewaters and sludges from the Publicly Owned Treatment Works;
  - (E.) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works;  
and

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

**1.05** These Rules and Regulations shall apply to all Users of the Publicly Owned Treatment Works. These Rules and Regulations authorize the issuance of individual wastewater discharge permits to certain Industrial Users and regulates others through enforcement of general requirements; authorize monitoring, compliance, and enforcement activities; establishes administrative review procedures; require User reporting; and provide for the setting of fees for the equitable distribution of costs resulting from the pretreatment program established herein.

**1.06** These Rules and Regulations shall apply to each person and any political subdivision that, by contract or agreement with the Authority, avails himself of sanitary sewer service, and every such person or political subdivision by availing himself of sanitary sewer service agrees to be bound by these Rules and Regulations.

#### **ADMINISTRATION**

**1.07** Except as otherwise provided herein, the Authority's Operations Director or his designees shall be responsible to administer, implement, and enforce the provisions of these Rules and Regulations.

#### **CONFLICT**

**1.08** These Rules and Regulations are a supplement to the Authority's existing General Rules and Regulations Governing Sewage Service of January 1, 1964 (as amended). The portions of these existing Rules and Regulations and all other Rules and Regulations, or parts thereof, which are inconsistent or conflicting with any part of these Rules and Regulations, are hereby repealed to the extent of such inconsistency or conflict.

#### **SEVERABILITY**

**1.09** If any provision, paragraph, word, or section of these Rules and Regulations is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, and sections shall not be affected and shall continue in full force and effect.

#### **EFFECTIVE DATE**

**1.10** These Rules and Regulations shall be in full force and effect immediately following their approval and adoption by the Board of the Butler Area Sewer Authority at a duly advertised public meeting, as provided by law.

**BUTLER AREA SEWER AUTHORITY  
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GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE II**

**DEFINITIONS AND ABBREVIATIONS**

**DEFINITIONS**

**2.01** Unless the context specifically indicates otherwise, the following terms and phrases, as used in these Rules and Regulations, shall have the meanings hereinafter designated:

- (1) **Abnormal Industrial Waste** shall mean any industrial waste having a suspended solid content or a five-day biochemical oxygen demand (BOD<sub>5</sub>) appreciably in excess of that normally found in municipal sewage. For the purposes of these Rules and Regulations, any industrial waste containing more than 350 milligrams per liter of suspended solids, or having a BOD<sub>5</sub> in excess of 300 milligrams per liter, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- (2) **Act or 'the Act'**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. Section 1251 et seq.
- (3) **Approval Authority**. The Administrator of the U. S. EPA Region III office until such time that the State's pretreatment program is approved, when the Director of the Pennsylvania DEP will become the Approval Authority.
- (4) **Authority** shall mean the Butler Area Sewer Authority, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania.
- (5) **Authorized or Duly Authorized Representative of User** shall mean:
  - (a) If the User is a corporation:
    - (i) A responsible corporate officer (president, secretary, treasurer or vice-president of the corporation) in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (ii) The manager of one or more manufacturing, production, or operating facilities, provided the

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

- (b) If the User is a partnership or sole proprietorship, a general partner or proprietor, respectively.
- (c) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
- (d) A Duly Authorized Representative of the individual(s) described in (a), (b), or (c) of this section if:
  - (i) The authorization is in writing by the individual described in (a), (b), or (c);
  - (ii) This authorization specifies either the individual or the position responsible for the overall operation of the facility from which the industrial discharge originates or having overall responsibility for environmental matters for the company; and
  - (iii) The written authorization is submitted to the Authority.
- (6) **Best Management Practices or BMPs** means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Article III [40 CFR 403.5(a)(1) and (b)]. 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. BMPs may also include alternative means (i.e., management plans) of complying with, or in place of certain established Categorical Pretreatment Standards and effluent limits.
- (7) **Board** shall mean the governing body of the Authority consisting of the appointed members of the Board of the Butler Area Sewer Authority, as now or hereafter constituted, and its duly authorized agents or representatives.

- (8) **Biochemical Oxygen Demand (BOD<sub>5</sub>)**. The quantity of oxygen utilized in the biological oxidation of organic matter under standard laboratory procedures for five (5) days at 20 degrees Centigrade, usually expressed as a concentration (e.g., mg/L). It shall be determined by one of the acceptable methods described in the Current Edition of "Standard Methods for the Examination of Water and Wastewater."
- (9) **Categorical Pretreatment Standard or Categorical Standard**. Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. Section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (10) **Categorical Industrial User or CIU** shall mean any User subject to a Categorical Pretreatment Standard or Categorical Standard.
- (11) **Contact Cooling Water**. Any water which comes into direct contact with any raw material, intermediate product, waste product or finished product.
- (12) **Control Authority** shall mean the Butler Area Sewer Authority.
- (13) **Current Edition of "Standard Methods for the Examination of Water and Wastewater"** published by the American Public Health Association shall mean the latest edition published and current at the time the determination of any analysis required is to be made.
- (14) **Department of Environmental Protection or DEP** shall mean the Pennsylvania Department of Environmental Protection, or where appropriate, the term may also be used as a designation for the Director or other duly authorized official of said agency.
- (15) **Environmental Protection Agency (EPA)** shall mean 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.
- (16) **Existing Source** shall mean any source of wastewater discharge to the POTW that is not a "New Source".
- (17) **Fats, Oils and Grease or FOG** shall mean those components of wastewater amenable to measurement by EPA Method 1664A (polar material) and shall include fats, oil, and grease and other components extracted from wastewater by this test method.
- (18) **Food Service Facility** shall mean any facility that prepares and/or packages food or beverages for sale or consumption, on or off site, with the exception of private residences. Food service facilities shall include, but are not limited to, food manufacturers, food packagers, restaurants, grocery stores, bakeries, lounges, hospitals, hotels, nursing homes, churches, schools, and all other food service facilities not listed above.

- (19) **Grab Sample.** A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- (20) **Grease Interceptor** shall mean an approved plumbing appurtenance or appliance that is installed in a sanitary sewage drainage system to intercept or remove non-petroleum fats, oils, and greases (FOG) from a wastewater discharge.
- (21) **Indirect Discharge.** The discharge or the introduction of pollutants into the POTW from any nondomestic source.
- (22) **Industrial Waste Permit.** A discharge permit issued by the Authority pursuant to the requirements of Article IV of these Rules and Regulations.
- (23) **Industrial Wastes** shall mean any solid, liquid, gaseous, or waterborne wastes from industrial processes or commercial establishments as distinct from sanitary sewage.
- (24) **Interference** shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, that:
- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal: and
  - (b) Therefore is a cause of a violation of any requirement of the Authority's NPDES Permit (including an increase in the magnitude or duration of a violation) or the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Clean Water Act; the Solid Waste Disposal Act (SWDA), including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act; and the Marine Protection, Research and Sanctuaries Act.
- (25) **Local Limit** shall mean any specific discharge limits developed and enforced by the Authority upon industrial or commercial facilities to implement the general and specific discharge prohibitions listed in 40 CFR 403.5(a)(1) and (b) and Article III of these Rules and Regulations.
- (26) **Medical Wastes** shall mean any isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.

- (27) **New Source** shall mean any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed Categorical Pretreatment Standards under Section 307(c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that:
- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source should be considered.

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 Paragraphs (a), (b), or (c) of this section but otherwise alters, replaces, or adds to an existing process or production equipment.

Construction of a New Source as defined under this section has commenced if the owner or operator has:

- (a) Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, grubbing, excavation, or removal of existing buildings, structures, or facilities, which is necessary for the placement, assembly, or installation of New Source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment, which are intended to be used in its operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.
- (28) **Noncontact Cooling Water** shall mean water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product, or finished product.

- (29) **Operations Director** shall mean the person designated by the Butler Area Sewer Authority to supervise the administration and operation of the Publicly Owned Treatment Works and is charged with certain duties and responsibilities by these Rules and Regulations, or his duly authorized representative.
- (30) **Owner** shall mean the person, firm, corporation or association having an interest as owner, or a person, firm, corporation or association representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is, or is about to be furnished sewage service by the Authority, and the word "Owners" means all so interested.
- (31) **Pass Through** shall mean a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the Authority's NPDES Permit, including an increase in the magnitude or duration of a violation.
- (32) **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity; or their legal representatives, agents or assigns. This definition includes all Federal, State, and local government entities.
- (33) **pH** shall mean a measure of the acidity or alkalinity of a solution, expressed in standard units, based on the logarithm (base 10) of the reciprocal of the hydrogen ion concentration, as determined by one of the acceptable methods described in the Current Edition of "Standard Methods for the Examination of Water and Wastewater."
- (34) **Pollutant** shall mean any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, municipal, agricultural, and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (35) **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.
- (36) **Pretreatment or Treatment.** 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 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.

- (37) **Pretreatment Requirements** shall mean any substantive or procedural requirement related to pretreatment imposed on a User, other than a Pretreatment Standard.
- (38) **Pretreatment Standards or Standard** shall mean any prohibited discharge standards, Categorical Pretreatment Standards, or Local Limits.
- (39) **Prohibited Discharge Standards or Prohibited Discharges** shall mean an absolute prohibition against the discharge of certain substances as defined in Sections 3.01 and 3.02 of Article III of these Rules and Regulations and 40 CFR Section 403.5 of the General Pretreatment Regulations.
- (40) **Publicly-Owned Treatment Works or POTW** shall mean a treatment works, as defined by Section 212 of the Act (33 U.S.C. Section 1292), which is owned by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances, which convey wastewater to a treatment plant.
- (41) **Sanitary Sewage** shall mean the human excrement, toilet wastewater and gray water (household showers, dishwashing operations, etc.) from residences, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water, groundwater and industrial waste.
- (42) **Significant Industrial User (SIU)** shall mean any Industrial User that: (i) is subject to any Federal Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N; or (ii) discharges an average flow of 25,000 gallons per day (gpd) or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or (iii) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or (iv) is designated as such by the Authority, on the basis that the Industrial User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.
- (43) **Slug Load or Slug Discharge** shall mean any discharge at a flow rate or concentration, which could cause a violation of the prohibited discharge standards in Section 3.01 of Article III of these Rules and Regulations. A Slug Discharge is any Discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, Local Limits or NPDES Permit conditions.

- (44) **Standard Industrial Classification (SIC) Code or North American Industry Classification System (NAICS) Code** shall mean the classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, or the NAICS Manual issued by the United States Office of Management and Budget.
- (45) **Storm Water.** Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- (46) **Suspended Solids** shall mean total suspended matter that either float on the surface or is in suspension in water, sewage, industrial waste, or other liquids, which is removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the Current Edition of "Standard Methods for the Examination of Water and Wastewater."
- (47) **Toxic Pollutant** shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.
- (48) **Upgrading.** An increase in the level of treatment provided to improve the quality of the effluent water.
- (49) **User or Industrial User.** Any person who contributes, causes, or permits the contribution of any industrial or nondomestic wastewater into the Authority's POTW or any source of Indirect Discharge.
- (50) **Wastewater** shall mean the liquid and water-carried industrial wastes and sanitary sewage from dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to or permitted to be discharged to the POTW.

## **ABBREVIATIONS**

**2.02** The following abbreviations shall have these designated meanings:

BOD <sub>5</sub>	Biochemical Oxygen Demand (Five-Day)
BMP	Best Management Practice
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
CIU	Categorical Industrial User
DEP	PA Department of Environmental Protection
EPA	U.S. Environmental Protection Agency
FOG	Fats, Oil, and Grease
gpd	Gallons per Day
mg/L	Milligrams per Liter
NAICS	North American Industry Classification System
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SIU	Significant Industrial User
SNC	Significant Non-Compliance
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
U.S.C.	United States Code
TSS	Total Suspended Solids

**BUTLER AREA SEWER AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE III**

**REGULATION OF WASTEWATER DISCHARGES**

**PROHIBITED DISCHARGE STANDARDS**

**3.01 GENERAL PROHIBITIONS** - No User shall introduce or cause to be introduced, directly or indirectly, any pollutants that will Pass Through the POTW 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 Federal, State, or local Pretreatment Standards or Requirements.

**3.02 SPECIFIC PROHIBITIONS** – No User shall introduce or cause to be introduced, directly or indirectly into the POTW, any of the following pollutants, substances or wastewater:

- (A) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with any other substances to create a fire or explosion hazard in the POTW, including, but not necessarily limited to, any wastestreams with a closed-cup flashpoint of less than 140°Fahrenheit (60°Centigrade) using the test methods specified in 40 CFR Section 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the public sewer system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter.
- (B) Any wastewater having a pH lower than 5.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the POTW.
- (C) Any solid or viscous substances in amounts which may cause obstruction to the flow in a sewer, may cause mechanical action which will damage the sewer structures, or in the opinion of the Authority may result in Interference with the operation of the POTW, but in no case solids greater than one-half inch (1/2 in.) in any dimension.
- (D) Any pollutant, 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.

- (E) Any wastewater having a temperature in excess of 150°Fahrenheit (65°Centigrade) or which will inhibit biological activity in the POTW Treatment Plant resulting in Interference, but in no case wastewater that causes the temperature of the wastewater at the point of introduction into the POTW Treatment Plant to exceed 104°Fahrenheit (40°Centigrade).
- (F) Any wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through.
- (G) Any wastewater or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
- (H) Any trucked or hauled wastewater or pollutants, except at a discharge point(s) designated by the Authority in accordance with Sections 3.20 to 3.22 of these Rules and Regulations.
- (I) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to cause Interference with the POTW Treatment Plant, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or cause the POTW Treatment Plant effluent to fail any toxicity test.
- (J) Any noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are, in the opinion of the Authority, sufficient to create a public nuisance or hazard to life, or to prevent entry into the sewers for their maintenance and repair.
- (K) Any substance which may cause the POTW Treatment Plant effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with any reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (L) Any substance which will cause the POTW Treatment Plant to violate its NPDES Permit or the receiving water quality standards for Connoquenessing Creek.
- (M) Any wastewater containing dyes, paints, pigments, ink, or other coloring agents, which are not removed by the treatment process, and are in sufficient quantity to add any coloration above that of normal sewage, or cause objectionable color in the POTW Treatment Plant effluent, thereby violating the Authority's NPDES Permit.

- (N) Any wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations.
- (O) Any wastewater containing fats, oils, and/or grease (FOG) petroleum of animal or vegetable origin in amounts that will cause Interference or Pass Through.
- (P) Any wastewater containing detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW or the POTW Treatment Plant.

- 3.03** No User shall process or store any pollutants, substances, or wastewater prohibited by Sections 3.01 or 3.02 in such a manner that they could be discharged to the POTW.
- 3.04** When the Authority determines that a user is contributing any of the above enumerated substances to the POTW in such amounts that will Pass Through or Interfere with the operation of the POTW, the Authority shall: (1) advise the user of the impact of the contribution on the POTW; (2) develop specific effluent limitation(s) for such user to correct the interference with the POTW; and/or (3) initiate appropriate enforcement action against the user pursuant to the provisions of Article VI of these Rules and Regulations.

#### **LOCAL LIMITS AND DISCHARGE STANDARDS**

- 3.05** The Authority is authorized to develop, periodically reevaluate, revise, and adopt site-specific Local Limits, in accordance with applicable NPDES and EPA requirements, to protect the POTW against Interference, Pass Through, and sludge contamination that shall apply to all wastewater discharges to the POTW.
- 3.06** The Authority may also impose these Local Limits on an industrial user through an individual Industrial Waste Permit issued in accordance with the Rules and Regulations. The Local Limits shall apply at the point where the wastewater is discharged to the POTW, unless specified otherwise in the Industrial Waste Permit.
- 3.07** The Authority has established the Local Limits presented in Table 1 to protect the POTW. No person shall discharge any wastewater containing any of the pollutant parameters in concentrations exceeding the daily maximum discharge concentrations specified in Table 1.
- 3.08** The Authority may impose mass limitations for specific pollutant parameters in addition to the concentration based Local Limits in Table 1.
- 3.09** The Authority may amend the Local Limits set forth in Table 1 from time to time as deemed necessary by the Authority to protect the facilities and ensure the POTW's compliance with applicable NPDES Permit conditions and water quality standards.

**3.10** The Authority may develop Best Management Practices (BMPs), by Rules and Regulations or in Industrial Waste Permits, to implement the Local Limits and the Prohibited Discharge Standards in Sections 3.01 and 3.02.

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**TABLE 1**  
**SPECIFIC WASTEWATER DISCHARGE LIMITATIONS**  
**(REVISED 03-11-2014)**

<u>PARAMETER</u>	<u>DAILY MAXIMUM CONCENTRATION *</u>
Arsenic (Total)	0.53 mg/L
Cadmium (Total)	0.05 mg/L
Chromium (Total)	1.12 mg/L
Copper (Total)	1.25 mg/L
Lead (Total)	0.52 mg/L
Mercury (Total)	0.0002 mg/L **
Molybdenum (Total)	1.82 mg/L
Nickel (Total)	6.84 mg/L
Selenium (Total)	0.26 mg/L
Silver (Total)	1.37 mg/L
Zinc (Total)	2.02 mg/L
Cyanide (Total)	0.07 mg/L

\* Based on composite sample of the wastewater discharge collected over a 24-hour period, or normal operating period if less than 24 hours, during normal production periods.

\*\* Not detectable using EPA Test Method 245.1.

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**NATIONAL CATEGORICAL PRETREATMENT STANDARDS**

**3.11** Upon the promulgation of a National Categorical Pretreatment Standard for a particular industrial subcategory, Users within that subcategory must comply with the Categorical Pretreatment Standards found in 40 CFR Chapter I, Subchapter N, Parts 405-471. The Categorical Pretreatment Standard, if more stringent than any limitations imposed under these Rules and Regulations for wastewater sources in that subcategory, shall supersede the limitations imposed under these Rules and Regulations.

**TABLE 1 REVISED 03-11-2014**

## **STATE REQUIREMENTS**

- 3.12** State requirements and limitations on discharges shall apply in any case where they are more stringent than any applicable Categorical Pretreatment Standards or any limitations imposed under these Rules and Regulations.

## **RIGHT OF REVISION**

- 3.13** The Authority reserves the right to establish, by supplemental Rules and Regulations or Industrial Waste Permits, more stringent Pretreatment Standards or Requirements on discharges to the POTW consistent with the purpose of these Rules and Regulations.

## **DILUTION PROHIBITION**

- 3.14** No user shall ever increase the use of potable water, river water, dilution water, cooling water or process water or, in any other way, attempt to dilute any wastewater discharge as a partial or complete substitute for adequate treatment to achieve compliance with any discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement. The Authority may impose mass limitations on Users who are using dilution to meet applicable Pretreatment Standards or Requirements, or in other cases when the imposition of mass limitations is deemed appropriate by the Authority.

## **PRETREATMENT OF WASTEWATER**

- 3.15** Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards, Local Limits, and Prohibited Discharge Standards set forth in Sections 3.01 and 3.02 of these Rules and Regulations within the time limitations specified by the EPA, State, or Authority, whichever is more stringent. Existing sources shall comply with Categorical Pretreatment Standards within the time period specified in the applicable Categorical Standard. New sources shall install, have in operating condition, and "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before discharging any wastewater to the POTW.
- 3.16** Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the User's expense. Detailed plans describing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before such facilities are constructed. The review and approval of such plans and operating procedures shall in no way relieve the User from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the Authority under the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to, and be acceptable to, the Authority prior to the User's initiation of the changes.

**3.17** When deemed necessary by the Authority, additional pretreatment measures may be required as part of a User's initial pretreatment facilities, to address a User's changes in pretreatment facilities or methods of operation, to address a User's non-compliance, or to protect the POTW in conformance with these Rules and Regulations. These additional pretreatment measures may include, but are not necessarily limited to:

- (A) The Authority may require Users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of these Rules and Regulations.
- (B) The Authority may require any person discharging into the POTW to install and maintain, on their property and at their expense, suitable storage and flow-control facilities to ensure equalization of their discharge flow.
- (C) The Authority may require any Users with the potential to discharge flammable substances to install and maintain an approved combustible gas detection meter at the User's expense.
- (D) The Authority may require a User with food service facilities to install an oil and grease interceptor when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing excessive amounts of fats, oil and grease (FOG). All oil and grease interception units shall be of a type and capacity approved by the Authority and shall be located to be safe and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and maintained by the User at their expense. Failure of a User to install, properly operate and maintain such pretreatment facilities shall be considered a violation of these Rules and Regulations.
- (E) The Authority may require Users, such as car washes, automobile service facilities, commercial garages, or similar businesses having any type of vehicle washing facilities, to install an oil/water separator and/or grit separation facilities, when, in the opinion of the Authority, they are necessary for the proper handling of wastewater containing excessive grit, sand, or petroleum-based oil and grease. All such pretreatment facilities shall be of a type and capacity approved by the Authority and shall be located to be safe and easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and maintained by the User at their expense. Failure of a User to install, properly operate and maintain such pretreatment facilities shall be considered a violation of these Rules and Regulations.

## ACCIDENTAL DISCHARGE/SLUG CONTROL PLANS

**3.18** The Authority shall evaluate whether each Significant Industrial User (SIU) needs an Accidental Discharge/Slug Discharge Control Plan or other action to control Slug Discharges. The Authority may require any User to develop, submit for approval, and implement such a plan or take such other action that may be necessary to control Slug Discharges. Any facilities that the Authority may require to prevent an accidental discharge or Slug Discharge shall be provided and maintained at the User's expense. An acceptable Accidental Discharge/Slug Discharge Control Plan shall address, at a minimum, the following:

- (A) Description of discharge practices, including any non-routine batch discharges;
- (B) Description of stored chemicals; including the type, nature, storage container, and maximum quantity stored;
- (C) Procedures for immediately notifying the Authority of any accidental or Slug Discharge, as required by Section 4.16 of these Rules and Regulations; and
- (D) Procedures to prevent any 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.

**3.19** All Users, whether permitted or not, shall immediately telephone and notify the Authority's Wastewater Treatment Plant by telephone (724-287-2139 or 724-282-1978) of any accidental spills, Slug Discharges, or other discharges that could cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume of waste, and any mitigating and/or corrective actions taken. 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, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations or other applicable law.

## HAULED WASTEWATER

**3.20** The Authority may prohibit the disposal or discharge of hauled industrial wastewater to the POTW. The owner of the facility that generates the industrial wastewater, which is hauled and discharged into the POTW, shall obtain an Industrial Waste Permit in accordance with the requirements of these Rules and Regulations. The discharge of any hauled wastewater into the POTW is subject to all requirements of these Rules and regulations.

- 3.21** Industrial waste haulers may only discharge loads into the POTW at locations designated by the Authority in the Industrial Waste Permit. No load may be discharged without advance notice and the prior consent of the Authority. The Authority may collect samples of each hauled load to ensure compliance with applicable Pretreatment Standards. The Authority may also require the industrial waste generator or hauler to provide a waste analysis of any load prior to discharge.
- 3.22** Industrial waste generators and haulers must provide a waste tracking form or manifest form, acceptable to the Authority, to document each and every load discharged to the POTW. This manifest form shall include, at a minimum, the name and address of the industrial waste generator, the name and address of the industrial waste hauler, the Authority's Industrial Waste Permit number, truck identification, the load number, the volume and type of waste discharge, and the date and time discharged.

**BUTLER AREA SEWER AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE IV**

**ADMINISTRATION OF INDUSTRIAL WASTE PERMITS**

**PERMIT REQUIREMENTS**

- 4.01** It shall be unlawful for any existing or new User to discharge any type of wastewater into the POTW without first obtaining a Sewer Service Permit from the Authority in accordance with the provisions of the Authority's General Rules and Regulations Governing Sewage Service of January 1, 1964, as amended, and the applicable provisions of these Rules and Regulations.
- 4.02** Within thirty (30) calendar days after notification by the Authority, all existing commercial and industrial users shall complete and submit to the Authority a completed Industrial Waste Discharge Survey questionnaire, using forms provided by the Authority, describing the nature and characteristics of any wastewater discharges to the POTW. All new commercial and industrial users shall complete and submit to the Authority a completed Industrial Waste Discharge Survey questionnaire, using forms provided by the Authority, prior to, and as a condition of, obtaining a Sewer Service Permit. The Authority is authorized to prepare forms for this purpose and may periodically require Users to update this questionnaire form. Failure to submit a completed Industrial Waste Discharge Survey questionnaire when requested or within the specified time period shall be deemed to be a violation of these Rules and Regulations.
- 4.03** It shall be unlawful for any existing or new Significant Industrial User to discharge any wastewater into the POTW without first obtaining an Industrial Waste Permit issued by the Authority in accordance with the provisions of these Rules and Regulations Governing Industrial Sewer Use.
- 4.04** Any existing User that is required to obtain an Industrial Waste Permit, who wishes to continue its wastewater discharges in the future, shall, within ninety (90) calendar days after notification by the Authority, submit a complete permit application in accordance with Section 4.06 of these Rules and Regulation, and shall not cause or allow wastewater discharges to the POTW to continue except in accordance with the provisions and conditions of the Industrial Waste Permit issued by the Authority.
- 4.05** Any new User required to obtain an Industrial Waste Permit that proposes to begin or recommence discharging wastewater into the POTW, must first obtain an Industrial Waste Permit prior to the beginning or recommencing of such discharge. A complete permit application for an Industrial Waste Permit, in accordance with Section 4.06 of these Rules and Regulations, must be filed at least 180 calendar days prior to the date upon which any proposed wastewater discharge will begin or recommence.

## INDUSTRIAL WASTE DISCHARGE PERMIT APPLICATION

**4.06** All Users required to obtain an Industrial Waste Permit, or any User that wants to renew their existing Industrial Waste Permit, must complete and file with the Authority, an Industrial Waste Discharge Permit Application using the form prescribed by the Authority. The Industrial Waste Discharge Permit Application must be accompanied by an application fee according to the fee schedule adopted by the Authority. Incomplete or inaccurate applications will not be processed and will be returned to the User for revision. Any Permit Application submitted without the required application fee will be deemed incomplete and will not be reviewed. Under the provisions of Section 5.02 of these Rules and Regulations, the Authority reserves the right to assess additional charges and fees to cover any reasonable costs in excess of the initial permit application fee that have been incurred by the Authority in reviewing and processing the permit application. The Authority may require Users to submit all or some of the following information as part of a permit application:

(A) Facility Identification Information:

1. Name of the facility owner and operator, if different;
2. Name of property owner where facility is located, if different;
3. Mailing address of owner and operator, if different;
4. Name, address, and municipality where the facility is located;
5. Designated permit application contact person and contact information (phone number, fax number, and e-mail address); and
6. Designated on-site facility contact person and contact information (phone number, fax number, and e-mail address).

(B) Environmental Permits – Provide a list of any environmental control permits held by the or for the facility.

(C) Description of Facility Operations:

1. A brief description of the nature, average rate of production (including each product produced by type, amount, processes, and rate of production), and the Standard Industrial Classification (SIC) number or the North American Industry Classification System (NAICS) Code of the process operation(s) carried out by the Applicant;
2. If applicable, identify the Categorical Pretreatment Standards applicable to each regulated process and any new categorically regulated processes for Existing Sources;
3. Schematic process flow diagram(s), which indicate the actual or estimated water usage and the actual or estimated wastewater discharge flow from each process wastewater source and the points of discharge to the POTW from the regulated processes;
4. Types of wastes generated, and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;

5. Number and type of employees (office, production, etc.), the hours of operation of production processes, and the proposed or actual hours of operation of any pretreatment system facilities;
6. Type and amount of raw materials processed (average and maximum per day); and
7. Site plans, floor plans, mechanical and plumbing plans or sketches to approximate scale, with sufficient detail to show all sewers, floor drains, sewer connections, and appurtenances by size, location, and elevation, and all points of discharge to POTW;

(D) Wastewater Discharge Information:

1. The type (batch or continuous), time, and duration of proposed wastewater discharges to POTW;
2. Flow measurement data - Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and any other wastewater streams that are combined with any regulated process streams, as necessary, to allow use of the combined wastestream formula set out in Section 2.2C (40 CFR 403.6(e)), if applicable;

(E) Wastewater Characteristics and Analyses:

1. The location of the sampling point for monitoring all wastes covered by the permit application;
2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Standard or by the Authority, of regulated pollutants in the wastewater discharge from each regulated process, in accordance with Authority's Permit Application instructions;
3. Instantaneous, Daily Maximum, and long-term average concentrations, or mass, where required, shall be reported;
4. The sample(s) shall be representative of normal daily operations and shall be analyzed in accordance with procedures set out in Sections 4.43 of these Rules and Regulations. Where the Standard requires compliance with a BMP or pollution prevention alternative, the User shall submit documentation as required by the Authority or the applicable Standards to determine compliance with the Standard; and
5. Sampling must be performed in accordance with procedures set out in Sections 4.39 to 4.41 of these Rules and Regulations.

(F) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

**4.07** All industrial wastewater discharge permit applications, User reports and certification statements must be signed by an Authorized Representative of the User and contain the certification statement in Section 4.30 of these Rules and Regulations.

## **PERMIT DECISIONS AND ISSUANCE PROCESS**

- 4.08** The Operations Director of the Authority shall review the permit application for completeness within sixty (60) calendar days of its receipt and notify the applicant in writing as to whether the application is considered complete or incomplete. If the application is incomplete, the Operations Director shall specify the additional information that is required to complete the application and a date for submitting the necessary information. After an application is completed, the Operations Director may still request additional information but only to clarify, modify or supplement the previously submitted material. If the Operations Director deems it necessary, a site visit may be scheduled with the applicant to assist the Operations Director in evaluating the application. Failure or refusal to correct deficiencies in the application within a reasonable time schedule may be cause for permit denial and appropriate enforcement action as per Article VI of these Rules and Regulations.
- 4.09** The Authority may deny any application for an Industrial Waste Permit and/or establish conditions for the acceptance of any new or increased contributions of pollutants. The Operations Director shall issue a draft Industrial Waste Permit or notice of intent to deny a permit within ninety (90) calendar days after receipt of the completed application. The applicant shall be given a minimum 30-day period to review and comment on the proposed permit or permit denial. Upon request, the Operations Director may schedule an informal meeting with the applicant to review the draft permit or proposed permit denial action. A final Industrial Waste Permit and/or notice of permit denial and a written response to any review comments submitted by the User shall be issued within thirty (30) calendar days after the informal meeting, receipt of the User's review comments, or the close of the specified review and comment period.
- 4.10** In the event that the permit applicant and the Operations Director cannot come to an agreement on the draft permit or permit denial, the applicant may request a formal hearing before the Authority Board to appeal the permit denial or specific provisions of the final permit. A request for an appeal must be submitted in writing to the Board within thirty (30) calendar days after the issuance of the final Industrial Waste Permit and/or notice of permit denial. The appeal request shall clearly state the specific permit provision(s) objected to, the reasons for this objection, and the alternative condition, if any, the applicant seeks to place in the permit. The effectiveness of the Industrial Waste Permit or permit denial shall not be stayed pending the appeal. Within thirty (30) calendar days after the appeal meeting, the Authority shall issue a written decision. Decisions not to reconsider an Industrial Waste Permit, not to issue an Industrial Waste Permit, or not to modify an Industrial Waste Permit shall be considered final administrative actions for the purposes of judicial review.
- 4.11** Aggrieved parties seeking judicial review of the final administrative Industrial Waste Permit decision must do so by filing a complaint with the Court of Common Pleas of Butler County, Pennsylvania, within thirty (30) calendar days after issuance of the decision of the Authority Board. Failure to file a complaint within this time period shall result in a waiver of all legal rights to contest any final administrative action by the Authority Board.

## PERMIT CONDITIONS

**4.12** An Industrial Waste Permit shall include such conditions as are deemed reasonably necessary by the Authority to: (1) prevent Pass Through or Interference, (2) protect the water quality of Connoquenessing Creek, the receiving stream for wastewater treatment plant's effluent, (3) protect worker health and safety, (4) facilitate sludge management and disposal, and (5) protect against damage to the POTW. Industrial Waste Permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, user charges and fees established by the Authority. All Industrial Waste Permits must contain the following requirements:

- (A) A statement that indicates the Industrial Waste Permit issuance date, expiration date, and effective date;
- (B) A statement that the Industrial Waste Permit is nontransferable without prior notification to the Authority and the approval of the Authority in accordance with Section 4.17 of these Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing Industrial Waste Permit;
- (C) Effluent limits, including Best Management Practices, based on applicable Pretreatment Standards;
- (D) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants (or Best Management Practice) to be monitored, sampling location, sampling frequency, and sample type based on applicable Federal, State, and local law;
- (E) A statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law; and
- (F) Requirements to develop and implement a Slug Discharge Control Plan in accordance with the requirements of Section 403.8(f)(1)(v) of 40 CFR Part 403, if determined by the Authority to be necessary;

**4.13** Industrial Waste Permits may also contain, but need not be limited to, the following permit conditions:

- (A) Limits on average and maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;
- (B) 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;

- (C) Requirements for the development and implementation of a Spill Prevention and Control Plan or other special conditions, including Best Management Practices, necessary to adequately prevent accidental, unanticipated, or non-routine discharges to the POTW;
- (D) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (E) Unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (F) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;
- (G) Compliance schedules for implementing facilities necessary to comply with permit requirements. However, it must be noted that no such compliance schedule shall exempt an Industrial User from further enforcement action for failure to meet a compliance date for any applicable Federal Pretreatment Standards;
- (H) Requirements for maintaining and retaining plant records relating to the wastewater discharge as specified by the Authority, and affording the Authority access thereto;
- (I) Requirements for prior notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system; or
- (J) Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations, and applicable Federal and State laws, rules, and regulations.

## **PERMIT MODIFICATIONS**

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

- (A) To incorporate any new or revised Federal, State, or local Pretreatment Standards or Requirements,
- (B) To address significant alterations or additions to the User's operation, processes, or wastewater volume or character since the time of the Industrial Waste Permit issuance;
- (C) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- (D) Information indicating that the permitted discharge poses a threat to the Authority's POTW, the Authority's personnel, the POTW's beneficial sludge use, or the receiving waters,
- (E) Violation of any terms or conditions of the Industrial Waste Permit,
- (F) Misrepresentations or failure to fully disclose all relevant facts in the industrial wastewater discharge permit application or in any required reporting;
- (G) Revision of or a grant of variance from categorical Pretreatment Standards pursuant to 40 CFR 403.13,
- (H) To correct typographical or other errors in the Industrial Waste Permit, or
- (I) To reflect a transfer of the facility ownership or operation to a new owner or operator where requested in accordance with Section 4.17 of these Rules and Regulations.

#### **PERMIT DURATION**

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

#### **PERMIT RENEWAL OR REISSUANCE**

**4.16** Any User with a currently effective Industrial Waste Permit, who wishes to continue discharging into the POTW shall apply for renewal or reissuance of the Permit by submitting a complete permit application, in accordance with Section 4.06 of these Rules and Regulations, to the Authority at least 180 calendar days before the expiration date of the existing Industrial Waste Permit, unless permission for a later date has been granted by the Operations Director. The terms and conditions of the existing permit shall remain fully effective and enforceable until the effective date of a new permit, provided the Permittee has properly submitted a complete application for permit renewal within the specified time period, and the Authority has not revoked the existing permit or denied the renewal or reissuance of the permit in accordance with the provisions of these Rules and Regulations.

#### **PERMIT TRANSFER**

**4.17** Industrial Waste Permits are issued to a specific User for a specific location, facility, and process. A permit shall not be reassigned, transferred or sold to a new owner, new user, different location, facility, or to a new or changed process without the prior written approval of the Authority. An Industrial Waste Permit may be transferred to a new owner or operator at the same location or facility only if the Permittee gives at least forty-five (45) calendar days advance written notice to the Authority, and the Authority

approves the permit transfer. The advance written notice to the Authority must include a written certification signed by the sole owner, a general partner, or a corporate officer of the proposed new owner or operator which:

- (A) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- (B) Identifies the specific date on which the permit transfer is to occur,
- (C) Acknowledges that the new owner or operator has received a copy of the existing Industrial Waste Permit from the current owner or operator, and
- (D) Acknowledges full responsibility for complying with all of the terms and conditions of the existing Industrial Waste Permit.

Failure to provide this required advance written notice of a transfer shall render the Industrial Waste Permit void as of the date of transfer of ownership or operation.

## **PERMIT REVOCATION**

**4.18** The Authority may revoke an Industrial Waste Permit for good cause, including, but not limited to, one or more of the following reasons:

- (A) Failure to notify the Authority of significant changes to the wastewater prior to the changed discharge;
- (B) Failure to provide prior notification to the Authority of changed conditions pursuant to Section 4.22 of these Rules and Regulations;
- (C) Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application;
- (D) Falsifying self-monitoring reports and certification statements;
- (E) Tampering with monitoring equipment;
- (F) Refusing to allow the Authority or its designated representatives timely access to the facility premises and records;
- (G) Failure to meet effluent limitations;
- (H) Failure to pay fines and/or civil penalties;
- (I) Failure to pay sewer service charges;
- (J) Failure to meet compliance schedules;

- (K) Failure to complete a wastewater survey or the wastewater discharge permit application;
- (L) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (M) Violation of any Pretreatment Standard or Requirement, or any terms of an Industrial Waste Permit, or these Rules and Regulations.

**4.19** Industrial Wastewater Permits shall be voidable upon permanent cessation of operations. All existing Industrial Waste Permits issued to a User are void upon the issuance of a new Industrial Waste Permit to that User.

## **REPORTING REQUIREMENTS**

### **Reports of Potential Problems**

**4.20** All Users, whether permitted or not, shall immediately telephone and notify the Authority Office at 724-282-1978 or the Authority treatment plant at 724-287-2139 of any and all discharges that might cause potential problems for the POTW, including, but not limited to, any accidental spills, accidental discharges of a nonroutine nature, any non-customary batch discharge, a Slug Discharge or Slug Load. This notification shall include the name of the user, the location of the discharge, type of waste, concentration and volume, if known, and any corrective actions taken by the User.

- (A) Within five (5) calendar days following any such discharge, the User shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, loss, damage, or other liability which might 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 Rules and Regulations.
- (B) A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees who to call in the event of a discharge described in Section 4.20. Employers shall ensure that all employees, who could cause such a discharge to occur, are advised of the emergency notification procedure.
- (C) All Significant Industrial Users are required to notify the Authority immediately of any changes at its facility affecting the potential for a Slug Discharge.

## **Reporting of Violations and Repeat Sampling and Reporting Requirements**

**4.21** All Users shall notify the Authority Office at 724-282-1978 within twenty-four (24) hours of becoming aware of any permit violation, if any self-monitoring sampling performed by the User indicates a permit violation. In addition, the User shall also repeat the sampling and analysis for the pollutant parameter in noncompliance and submit the results of the repeat analysis to the Authority within thirty (30) calendar days after becoming aware of the violation.

## **Reports of Changed Conditions**

**4.22** All Users, whether permitted or not, must promptly notify the Authority in advance of any significant changes to the User's operations or facilities, which might alter the nature, quality, or volume of their wastewater discharge. Formal written notification shall be submitted to the Authority at least sixty (60) calendar days prior to making the anticipated changes

- (A) The Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of an industrial wastewater discharge permit application under Section 4.06 of these Rules and Regulations.
- (B) The Authority may issue an Industrial Waste Permit under Section 4.09 of these Rules and Regulations or modify an existing Industrial Waste Permit under Section 4.14 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.

## **Notification of the Discharge of Hazardous Waste**

**4.23** The Authority may prohibit the disposal or discharge of hazardous waste into the POTW. Any User, whether permitted or not, who commences the discharge of hazardous waste shall notify the Authority, the U. S. EPA Regional Waste Management Division Director, and the Pennsylvania DEP hazardous waste authorities, in writing, of any discharge into the POTW of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with the requirements of Section 403.12(p) of 40 CFR Part 403. At a minimum, such notification must include the name of the listed or characteristic hazardous wastes as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms (220 pounds) of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following twelve (12) months. All notifications must take place no later than 180 calendar days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, the User shall also notify the Authority in writing at least sixty (60) calendar days in

advance of any substantial change in the volume or character of any listed or characteristic hazardous wastes discharge for which the Permittee has submitted an initial notification as required by Section 4.23 of these Rules and Regulations.

- (A) The notification requirement in this Section does not apply to pollutants already reported by Users subject to Categorical Pretreatment Standards under the self-monitoring requirements of Sections 4.24, 4.25, 4.27 and 4.28 of these Rules and Regulations.
- (B) Dischargers are exempt from the notification requirements of this Section during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (C) In the event of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Authority, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) calendar days of the effective date of such regulations.
- (D) In the case of any notification made under this Section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.
- (E) The provisions of this Section do not create a right to discharge any substance not otherwise permitted to be discharged by these Rules and Regulations, a permit issued hereunder, or any applicable Federal or State law.

### **Baseline Monitoring Reports**

**4.24** Within 180 calendar days after the effective date of any Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR Section 403.6(a)(4), whichever is later, any existing Industrial User subject to such Categorical Pretreatment Standards, and currently discharging to or scheduled to discharge to the POTW, shall submit to the Authority a Baseline Monitoring Report (BMR) containing the information required by paragraphs (b)(1) through (b)(7) of 40 CFR Section 403.12. At least ninety (90) calendar days prior to commencement of any discharge, New Sources, and any sources that become Categorical Industrial Users subsequent to the promulgation of an applicable Categorical Standard, shall submit to the

Authority a Baseline Monitoring Report (BMR) which contains the information listed in paragraphs (b)(1) through(b)(7) of 40 CFR Section 403.12. A New Source shall also report the method of pretreatment the New Source intends to use to meet the applicable Categorical Pretreatment Standards. A New Source also shall submit estimates of its anticipated flow and the quantity of pollutants that will be discharged.

### **Compliance Schedule Progress Reports**

**4.25** If the Baseline Monitoring Report submitted in accordance with Section 4.24 of these Rules and Regulations, or a User's proposed corrective action plan to address noncompliance, indicates that additional operation and maintenance (O & M) and/or additional pretreatment is required for the User to comply with the applicable Pretreatment Standards and Requirements, the User must submit a compliance schedule and subsequent compliance schedule progress reports to the Authority. The compliance schedule and reports must comply with the following conditions:

- (A) The compliance schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards (such events include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);
- (B) No increment referred to above shall exceed nine (9) calendar months;
- (C) The User shall submit a progress report to the Authority no later than fourteen (14) calendar days following each milestone date in the compliance schedule and the final date of compliance including, at a minimum, whether or not the User complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the User to return to the established schedule; and
- (D) In no event shall more than nine (9) calendar months elapse between such progress reports to the Authority.

### **Reports on Compliance with Categorical Pretreatment Standard Deadline**

**4.26** Within ninety (90) calendar days following the date for final compliance with applicable Categorical Pretreatment Standards, or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Authority a 90-day Compliance Report containing the information described in paragraphs (b)(4) through (b)(6) of 40 CFR Section 403.12. For Industrial Users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a reasonable measure of the 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 User's

actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.30 of these Rules and Regulations. All compliance sampling and analyses shall be done in conformance with Sections 4.39, 4.40, 4.41 and 4.43 of these Rules and Regulations.

### **Periodic Compliance Reports**

- 4.27** Any Industrial User subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement of the discharge into the POTW, shall submit to the Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Authority, a periodic compliance report indicating the nature and concentration of pollutants in the effluent, which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows discharged to the POTW during the reporting period and any other information deemed appropriate by the Authority. For Industrial Users subject to equivalent mass or concentration limits established by the Authority or subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the reporting period and/or appropriate sampling period. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation required by the Authority or the Pretreatment Standard necessary to determine the compliance status of the User. The Authority at its discretion may alter the months during which the above reports must be submitted.
- 4.28** All Noncategorical Significant Industrial Users (NSIU's) shall submit to the Authority at least once every six months (on dates specified by the Authority), unless required more frequently by the Authority, a periodic compliance report indicating the nature and concentration of pollutants in the discharge, which are limited by Local Limits, and the measured or estimated average and maximum daily flows discharged to the POTW during the reporting period, and any other information deemed appropriate by the Authority. In cases where the Local Limit requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the User must submit documentation required by the Authority to determine the compliance status of the User.
- 4.29** All periodic compliance reports must be signed and certified by an Authorized Representative of the User, as defined in Section 2.01(5), in accordance with Section 4.33 of these Rules and Regulations.
- 4.30** All wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.

- 4.31** If a User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Industrial Waste Permit or Operations Director, using the procedures prescribed in Section 4.45 of these Rules and Regulations, the results of this additional monitoring shall be included in the periodic compliance report for the reporting period when the additional samples were collected.

### **Reports from Unpermitted Users**

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

### **Certification Statement Required for All Applications and Reports**

- 4.33** Certification of Permit Applications, User Reports and Periodic Compliance Reports: The following certification statement is required to be signed and submitted by all Users submitting Industrial Waste Permit Applications in accordance with section 4.06 of these Rules and Regulations, all Users submitting Baseline Monitoring Reports under Section 4.24; all Users submitting Reports on Compliance with the Categorical Pretreatment Standard deadlines under Section 4.26, all Users submitting Periodic Compliance Reports required by Sections 4.27 and 4.28. The following certification statement must be signed by an Authorized Representative as defined in Section 2.01(5):

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

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

### **Date of Receipt of Reports**

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

## COMPLIANCE MONITORING

### Right of Entry: Inspection and Sampling

- 4.36** The Authority shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of these Rules and Regulations and any Industrial Waste Permit or order issued hereunder. Users shall allow the Authority and/or their designated representative(s) ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying and the performance of any duties.
- (A) Where a user has security measures in force which require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with its security guards such that upon presentation of suitable identification, Authority employees and/or designated representatives of the Authority, shall be permitted to enter, without delay, for the purposes of performing their specific responsibilities.
  - (B) The Authority and/or designated representatives of the Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct compliance sampling, monitoring, and/or metering of the User's operations.
  - (C) The Authority may require the User to install sampling and monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated on an annual basis to ensure their accuracy.
  - (D) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of 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 Authority and/or the designated representatives of the Authority access to the User's premises shall be a violation of this ordinance.

### Industrial User Monitoring Facilities

- 4.37** When required by the Authority, an Industrial User shall install a suitable manhole(s) on their connecting sewer(s) to facilitate compliance observation, sampling and measurement of the regulated wastewater discharges from their premises. Alternate monitoring facilities or arrangements may be acceptable to the Authority under certain conditions and will be considered on a case-by-case basis. Such manhole(s) shall be accessible and safely located and shall be constructed in accordance with plans approved

by the Authority and all applicable local construction standards and requirements. The monitoring facilities shall be installed and maintained by the User at his expense, so as to be safe and accessible to the Authority or its designated representatives at all times.

- 4.38** There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities that the User is required to install shall be maintained at all times in a safe and proper operating condition at the expense of the User.
- 4.39** Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications. Construction of any required sampling and/or monitoring facilities shall be completed within the time period specified by the Authority in a compliance schedule in an Industrial Waste Permit or any order issued by the Authority.

### **Sample Collection and Analytical Requirements**

- 4.40** All wastewater samples collected to satisfy any reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period. The Authority shall require that frequency of monitoring necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.
- 4.41** Except as indicated in Section 4.42 and 4.43 below, the User must collect wastewater samples using 24-hour flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Authority. Where time-proportional composite sampling or grab sampling is authorized by the Authority, the samples must be representative of the discharge. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: (a) for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; (b) for volatile organics and oil and grease, the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the Authority, as appropriate.
- 4.42** Samples for oil and grease, temperature, pH, cyanide, total phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques.
- 4.43** For sampling required in support of Baseline Monitoring Reports and 90-day Compliance Reports for Categorical Pretreatment Standards [40 CFR 403.12(b) and (d)], a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist. For facilities for which historical sampling data are available, the Authority may authorize a lower minimum. For Periodic Compliance Reports required by Sections 4.27 and 4.28 of these Rules and Regulations [CFR 403.12(e) and 403.12(h)], the Industrial User is required to collect the number of grab samples necessary to assess and assure compliance by with applicable Pretreatment Standards and Requirements.

- 4.44** If an Industrial User subject to Periodic Compliance Reporting requirements in Sections 4.27 and 4.28 monitors any regulated pollutant at the appropriate sampling location more frequently than required by the Authority, using the appropriate procedures prescribed in Section 4.45, the results of this monitoring shall be included in the report.
- 4.45** All pollutant analyses, including sampling techniques and methods of sample preservation, that must be submitted as part of an industrial waste discharge permit application, Baseline Monitoring Report, or any compliance reports shall be performed in accordance with the procedures and standards described in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable Categorical Pretreatment Standard. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutant in question, or where the EPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other persons, approved by the EPA Administrator. Copies of the laboratory report (indicating analytical results, detection levels, methods of analysis, analysts, and dates of analysis) and the sample chain-of-custody form (indicating the sample collection times and dates, sample preservation, and time and date samples were received by the laboratory) shall be submitted for all compliance monitoring samples.

#### **Administrative Search Warrants**

- 4.46** If a User fails to permit or allow the Authority and/or the designated representatives of the Authority access to a building, structure, or property, or any part thereof, and the Authority is able to demonstrate probable cause to believe that there may be a violation of these Rules and Regulations, or that there is a need to inspect and/or sample as part of an inspection and sampling program of the Authority designed to verify compliance with these Rules and Regulations or any Industrial Waste Permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, the Authority may seek issuance of an administrative search warrant from the Court of Common Pleas of Butler County, Pennsylvania.

#### **PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

- 4.47** The Authority shall publish annually in the City of Butler's largest daily newspaper a list of the Users, which at any time during the previous twelve (12) months, were in Significant Noncompliance with applicable Pretreatment Standards and Requirements. The term Significant Noncompliance shall be applicable to all Significant Industrial Users (or any other User that violates paragraphs (C), (D) or (H) of this Section). A User shall be in Significant Noncompliance if it is in violation of one or more of the following criteria:
- (A) Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of all of the measurements taken for the same pollutant parameter during a six-month (6-month) period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement as defined in Article III;

- (B) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of wastewater measurements taken for each pollutant parameter taken during a six-month (6-month) period equals or exceeds the product of the numeric Pretreatment Standard or Requirement as defined in Article III multiplied by the applicable TRC criteria (1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH);
- (C) Any other violation of a Pretreatment Standard or Requirement as defined in Article III (Daily Maximum, long-term average, Instantaneous Limit or narrative standard) that the Authority determines has caused, alone or in combination with other discharges, Interference or Pass Through, including endangering the health of POTW personnel or the general public;
- (D) Any discharge of a pollutant that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge;
- (E) Failure to meet, within ninety (90) calendar days of the scheduled date, a compliance schedule milestone contained in an Industrial Waste Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within forty-five (45) calendar days after the due date, any required reports, including Baseline Monitoring Reports (BMR's), reports on compliance with Categorical Pretreatment Standard deadlines (90-day compliance reports), periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation(s), which may include a violation of Best Management Practices, which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

## **CONFIDENTIAL INFORMATION**

**4.48** Information and data on a User obtained from reports, surveys, wastewater discharge permit applications, Industrial Waste Permits, and monitoring programs, and from the Authority's compliance inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Authority, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data.

**4.49** When requested and demonstrated to the satisfaction of the Authority 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 these Rules and Regulations, the NPDES Permit 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 Section 2.302, shall not be recognized as confidential information and shall be available to the public without restriction.

## **RECORDS RETENTION**

**4.50** All users subject to any reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 3.10. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least five (5) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the Authority.

**BUTLER AREA SEWER AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE V**

**FEES**

**PURPOSE**

**5.01** The purpose of this Article is to provide for the recovery of costs from Industrial Users of the Authority's wastewater disposal system for the implementation of the pretreatment program established herein. The applicable charges or fees shall be set forth in the Authority's Schedule of Charges and Fees.

**CHARGES AND FEES**

**5.02** The Authority may adopt reasonable charges and fees for reimbursement of costs of setting up and administering the Authority's Pretreatment Program, which may include:

- (A) Fees for industrial wastewater discharge permit applications, including the cost of processing such applications;
- (B) Fees for compliance monitoring, inspection and surveillance procedures, including the cost of sample collection and analyses of a User's discharge, and reviewing periodic compliance reports and certification statements submitted by Users;
- (C) Fees for reviewing accidental discharge procedures and inspecting construction of facilities, and responding to accidental discharge by a User;
- (D) Fees for filing appeals;
- (F) Fees to recover administrative and legal costs [not included in Section 5.02(B)] associated with enforcement activity taken by the Authority to address a User's noncompliance; and
- (G) Other fees as the Authority may deem necessary to carry out the requirements contained herein.

**5.03** These fees relate solely to the matters covered by these Rules and Regulations and are separate from all other fees, fines, and penalties that may be assessed by the Authority under these Rules and Regulations and the Authority's General Rules and Regulations Governing Sewage Service of January 1, 1964, as amended, including the industrial waste surcharge provisions of Article XI.

**BUTLER AREA SEWER AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE VI**

**ADMINISTRATIVE ENFORCEMENT REMEDIES**

**EMERGENCY SUSPENSION OF DISCHARGE POWER**

**6.01** The Operations Director of the Authority may, upon informal notice to the User, order the User to immediately halt or suspend a discharge to the POTW whenever such suspension is necessary to stop an actual or threatened discharge, which, in the opinion of the Operations Director, reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. For the purpose of this Paragraph, informal notice to the User may be issued by a telephone call, an on-site inspection or visit, a cease and desist order, or any combination of these methods. The Authority may also immediately suspend a User's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (A) Any User notified of a suspension of its discharge shall immediately stop or eliminate its wastewater discharge. In the event that a User should fail to immediately comply voluntarily with an emergency order to immediately halt or suspend a discharge to the POTW, the Operations Director may take whatever action deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or the endangerment of any individuals. The costs associated with any such emergency action shall be assessed to the User, and the Authority shall not be responsible for any damages, including loss of income, as a result of such emergency action.
- (B) The Authority may allow a User to resume a discharge that has been suspended under the emergency action provisions of Section 6.01 when the User has demonstrated to the satisfaction of the Authority that the period of endangerment has been eliminated, unless the Authority has initiated termination of service proceedings against the User in accordance with the provisions of Section 6.03 of these Rules and Regulations.
- (C) A User that is responsible, in whole or in part, for any discharge presenting an imminent endangerment, which resulted in the Authority taking an emergency suspension of discharge action, shall submit to the Authority a detailed written statement describing the cause or causes of the harmful contribution that necessitated the emergency action, and the measures that will be taken to prevent any future occurrence of any such incident, within thirty (30) calendar days after the date of any such emergency action.

Nothing in this Section shall be interpreted as requiring a hearing prior to the Authority taking any Emergency Suspension of Discharge action under this Section.

## **TERMINATION OF DISCHARGE OR SEWER SERVICE**

- 6.02** The conditions and requirements of these Rules and Regulations are applicable to all Users, whether permitted or not, and the User has a duty to comply with all of the conditions of these Rules and Regulations. Any noncompliance constitutes a violation of the Rules and Regulations and is subject to appropriate enforcement action including, but not limited to, termination of a discharge or sewer service, permit revocation or denial of a permit renewal application.
- 6.03** In addition to the permit revocation provisions of Section 4.18, the Authority may terminate a User's discharge and/or suspend sewer service, revoke a User's permit, or deny a permit renewal application, for any of the following causes:
- (A) Determination by the Authority that a discharge presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW;
  - (B) Failure of the User to fully disclose all relevant facts and accurately report the wastewater constituents and characteristics of its discharge on an Industrial Waste Discharge Survey questionnaire or Industrial Waste Permit Application, and/or the User's misrepresentation of any relevant facts at any time;
  - (C) Falsifying self-monitoring monitoring analyses or compliance reports, or tampering with or knowingly rendering inaccurate any monitoring device or method required to be maintained as a condition of the User's permit;
  - (D) Refusal of reasonable access to the User's premises for the purpose of compliance inspection, monitoring, or sampling;
  - (E) Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
  - (F) Violation of any Pretreatment Standards in Article III of these Rules and Regulations;
  - (G) Violation of any Industrial Waste Permit conditions; and
  - (H) Willful and knowing failure to comply with any conditions of the User's permit or these Rules and Regulations.
- 6.04** Except in cases of an emergency suspension of discharge action under Section 6.01 of these Rules and Regulations, whenever the Authority determines that it is necessary to terminate a User's discharge and/or suspend sewer service, the User will be served written notification of the proposed termination action and be offered an opportunity for a Show Cause Hearing under the provisions of Sections 6.14 to 6.17 of these Rules and Regulations to show why the proposed action should not be taken. Exercise of this option by the Authority shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **NOTIFICATION OF VIOLATION**

- 6.05** Except in cases of an emergency suspension of discharge action under Section 6.01 of these Rules and Regulations, whenever the Authority determines that a User has violated, or continues to violate, any provisions, prohibitions, limitations or requirements of these Rules and Regulations, an Industrial Waste Permit or any order issued by the Authority pursuant to these Rules and Regulations, or any other Pretreatment Standard or Requirement, the Authority may issue a written Notice of Violation upon that User stating the nature of the violation. The User shall be afforded a minimum period of thirty (30) calendar days after the receipt of the Notice of Violation within which to correct the deficiency or violation, or to submit to the Authority a proposed corrective action plan with a schedule for completing specific required actions to correct the violation. Submission of a corrective action plan shall in no way relieve the User of any liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this Section shall limit the ability of the Authority to take any other enforcement action, including emergency actions and/or assessment of penalties, without first issuing a Notice of Violation.
- 6.06** In the case of procedural or reporting violations, a User may correct the violation by fulfilling the duties or requirements that are deficient. The Authority shall review the corrective action taken by the User to determine whether or not the violation has been adequately corrected. Failure to correct a violation within a reasonable time period may result in further enforcement action.
- 6.07** In the case of discharge violations, the User may correct the violation by process modifications or implementing appropriate pretreatment technology. The Authority shall review the proposed corrective action plan and schedule submitted by the User to determine whether or not the plan is adequate to correct the violation and consistent with the objectives of any applicable Federal Pretreatment Standards and these Rules and Regulations. The Authority may require modifications to the plan and schedule, including the submission of interim progress reports, to verify correction of the violation within an appropriate compliance schedule. The Authority may modify the User's permit to incorporate a reasonable schedule of compliance to implement an acceptable corrective action plan. In no case will any such compliance schedule exempt a user from further enforcement action by the Authority for the discharge violations or from enforcement action for failure to meet a compliance date in any applicable Federal Pretreatment Standards.
- 6.08** In the case of minor procedural or reporting violations, the Authority may notify the User by telephone, e-mail, and/or a written notice of deficiency of the minor procedural or reporting violation. The User may correct the violation by fulfilling the duties or requirements that are deficient. The Authority shall review the corrective action taken by the User to determine whether or not the violation has been adequately corrected. Failure to correct a violation within a reasonable time period after notification may result in further enforcement action.

## **COMPLIANCE ORDERS**

**6.09** When the Authority finds that a User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Waste Permit, any order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may issue an administrative compliance order or compliance order to the User responsible for the discharge directing that the User come into compliance within a specified time period. Failure to come into compliance within the time period specified in the compliance order will constitute an additional violation of these Rules and Regulations, and the Authority may take additional enforcement action, including the assessment of civil penalties, revocation of the User's permit, and/or termination of sewer service. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, the Authority taking any other enforcement action against a User.

## **CONSENT ORDERS**

**6.10** The Authority may enter into a written Consent Order, assurance of compliance, or other similar document establishing an agreement with any User responsible for noncompliance. Such documents shall 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 compliance orders issued pursuant to Section 6.09 of these Rules and Regulations and shall be judicially enforceable.

## **CIVIL PENALTIES**

**6.11** In addition to proceeding with any other remedy available at law or in equity, the Authority may assess a civil penalty upon any User who has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Waste Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, pursuant to the provisions of the Publicly Owned Treatment Works Penalty Law, Act 9 of 1992 ("Act 9"). The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed \$25,000 per day for each violation. Each day on which a violation shall occur, or continue to occur, shall be deemed a separate and distinct violation. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. For the purposes of this Section, a single operational upset which leads to simultaneous violations of more than one Pretreatment Standard or Requirement shall be treated as a single violation.

**6.12** In addition to the civil penalties provided herein, the Authority may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate action at law or suit in equity against the person found to have violated these Rules and Regulations, an Industrial Waste Permit, or order issued hereunder, or any

other Pretreatment Standard or Requirement. The Authority may also recover other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Authority. Any user assessed a civil penalty hereunder shall be afforded an opportunity to appeal such determination through the procedure set forth herein. In determining the amount of any civil penalty assessment, the Authority shall take into account all relevant circumstances, including, but not limited to, the extent of the damage to air, water, land or other natural resources and their uses caused by the violation; the magnitude and duration of the violation; the cost of restoration and abatement; any economic benefit gained through the User's violation; corrective actions by the User; the compliance history of the User; deterrence of future violations; and any other relevant factors. The assessment of any civil penalties shall not be a bar against, or a prerequisite for, the Authority taking any other enforcement action against a User.

- 6.13** The amount of any civil penalty assessment shall be determined in accordance with the formal, written Civil Penalty Assessment Policy duly adopted by the Authority as required by the provisions of the Publicly Owned Treatment Works Penalty Law, Act 9 of 1992 ("Act 9"). The Civil Penalty Assessment Policy shall be available to the public, and each Industrial User of the Authority's sewage system that has been issued an Industrial Waste Permit will be notified in writing of this Civil Penalty Assessment Policy.
- 6.14** When the Authority determines that a civil penalty shall be assessed, the User shall be issued a written Notice of Proposed Enforcement Action in accordance with Section 6.15 of these Rules and Regulations. This notice shall advise the user of the right to appeal the proposed civil penalty action and include a description of the applicable appeal process, including the name, address and telephone number of the person responsible for accepting such appeal. Notification shall be given by certified mail, return receipt requested, in addition to ordinary mail, sent to the address of the contact person designated in the User's industrial waste discharge permit application and/or the User's Authorized Representative that signs the compliance reports submitted to the Authority. The User shall have thirty (30) calendar days to pay the proposed civil penalty in full, or, if the User wishes to contest either the amount of the civil penalty and/or the fact of the violation, the User shall file an appeal within thirty (30) calendar days of having received the notification of the amount of the proposed penalty. Failure to appeal within this time period shall result in a waiver of all legal rights to contest the violation or the amount of the civil penalty. The appeal hearing shall be conducted in accordance with the "Show Cause Hearing" provisions in Section 6.18 to 6.21 of these Rules and Regulations.

#### **NOTIFICATION OF ENFORCEMENT ACTION**

- 6.15** Except in the cases of an emergency suspension of discharge action under Section 6.01 of these Rules and Regulations, whenever the Authority deems it necessary to take enforcement action, including revocation of the User's permit and/or the assessment of civil penalties, under the provisions of these Rules and Regulations, the Authority shall issue the User a formal written Notice of Proposed Enforcement Action by certified mail. Such notice shall state the basis for the proposed action and the reasons for the Authority's proposed enforcement action.

**6.16** The User shall be afforded a minimum period of thirty (30) calendar days within which to comment on the proposed enforcement action and to submit to the Authority a written request for a meeting with the Authority Board to appeal the proposed action. All requests for an appeal meeting shall clearly state the specific action or provision(s) of the proposed action that is being appealed, and the grounds upon which the appeal is based. Any supporting evidence that is relevant to the appeal must also be submitted with the request for appeal. The Authority Board may deny the appeal request on the basis of insufficient grounds, or may schedule a meeting for the User to present the appeal to the Authority Board. As soon as practicable after the conclusion of the review period or the appeal meeting, the Authority shall issue to the User a final written Notice of Enforcement Action. It must also be noted that all violations result in immediate liability and the Authority may seek such penalties and/or take other enforcement action as it deems necessary during the 30-day response period.

### **UPSET DEFENSE FOR DISCHARGE VIOLATIONS**

**6.17** Under the conditions specified in Section 403.16 of the Federal General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403), an upset shall constitute an affirmative defense to an enforcement action for noncompliance with any Federal Categorical Standards or Pretreatment Standards adopted pursuant to these Rules and Regulations. For the purposes of this Section, an upset means an exceptional incident in which there is unintentional and temporary noncompliance with any Categorical Pretreatment Standards, or other Pretreatment Standards, because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation. Any User seeking to establish the occurrence of an upset shall have the burden of proof to demonstrate through properly signed contemporaneous operating logs, or other relevant evidence, that the following conditions necessary for an upset according to the General Pretreatment Regulations have been met:

- (A) An upset occurred and the User can identify the cause(s) of the upset;
- (B) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
- (C) The User has submitted the following information to the Authority within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) calendar days:
  - 1. A description of the indirect discharge and cause of noncompliance;
  - 2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (D) Users shall have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with Categorical Pretreatment Standards.
  - (E) Users shall control production of all discharges to the extent necessary to maintain compliance with Categorical Pretreatment Standards and all other Pretreatment Standards, upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### **SHOW CAUSE HEARING**

- 6.18** In certain cases, such as those involving revocation of a User's permit and/or termination of sewer service, or the assessment of civil penalties, the Authority may order a User to show cause before the Authority why the proposed enforcement action should not be taken. A written notice shall be served on the User specifying the time and place of a hearing to be held by the Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least fifteen (15) calendar days before the hearing. Service of such notice may be made on any Authorized Representative of the User as defined in Section 2.01(5) and required by Section 4.33 of these Rules and Regulations. A show cause hearing shall not be a bar against, or prerequisite for, the Authority taking any other enforcement action against a User.
- 6.19** The Authority Board may conduct the hearing and take evidence, or may designate any of its members or any Authority employee to:
- (A) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
  - (B) Take the evidence; and
  - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority Board for action thereon.
- 6.20** At any show cause hearing held pursuant to these Rules and Regulations, testimony taken must be under oath and recorded by a stenographer. A copy of the transcript, so recorded, will be made available to any party to the hearing or to the public in accordance with the Authority's Access to Public Records Policy.

**6.21** After the Authority Board has reviewed the evidence, a final Notice of Enforcement Action, containing findings of fact and conclusions of law, will be issued to the User. If warranted by the evidence, this Notice may include an order directing that, following a specified time period, the User's permit will be revoked and/or sewer service will be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. The final Notice of Enforcement Action may affirm or modify a proposed civil penalty set forth in the initial Notice of Proposed Enforcement Action. Further orders and directives as are necessary and appropriate may also be issued.

**BUTLER AREA SEWER AUTHORITY  
RULES AND REGULATIONS  
GOVERNING INDUSTRIAL SEWER USE**

**ARTICLE VII**

**JUDICIAL ENFORCEMENT REMEDIES**

**INJUNCTIVE RELIEF**

**7.01** Under the provisions of the Publicly Owned Treatment Works Penalty Law, Act 9 of 1992 ("Act 9"), the Authority shall have the power to obtain injunctive relief to enforce compliance with or restrain any violations of these Rules and Regulations, an Industrial Waste Permit, or order issued hereunder, or any other Pretreatment Standards or Requirements. When the Authority determines that a User has violated, or continues to violate, any provision of these Rules and Regulations, an Industrial Waste Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may authorize the Authority Solicitor to petition the Court of Common Pleas of Butler County, Pennsylvania, for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Industrial Waste Permit, order, or other requirement imposed by these Rules and Regulations on activities of the User. The Authority may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the User to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, the Authority taking any other enforcement action against a User.

**CRIMINAL PENALTIES**

**7.02** Any person or User who willfully or negligently violates any provision of these Rules and Regulations, an Industrial Waste Permit, or order issued hereunder, or any other Pretreatment Standard or Requirement, shall, upon conviction, be subject to criminal penalties in accordance with the provisions of the local Ordinance adopted by the Municipality in which the User's facility is located. Following adjudication by a Judge of the Court of Common Pleas of Butler County, a fine of not less than three hundred dollars (\$300) and no more than the maximum penalty set forth in the applicable Pennsylvania Municipal Code for that Municipality or the maximum penalty set forth in the Pennsylvania Sewage Facilities Act (35 P.S. §750.13), and in default of payment of the fine and costs of prosecution, to undergo imprisonment for not more than thirty (30) days in the Butler County Prison, or both as allowed by law for each violation. Each day's continuation of a violation shall constitute a separate offense.

**7.03** Any person or User who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed, or required to be maintained, pursuant to these Rules and Regulations, an Industrial Waste Permit, or order issued hereunder, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall, upon

conviction, be subject to criminal penalties in accordance with the provisions of the local Ordinance adopted by the Municipality with appropriate jurisdiction. Following adjudication by a Judge of the Court of Common Pleas of Butler County, a fine of not less than three hundred dollars (\$300) and no more than the maximum penalty set forth in the applicable Pennsylvania Municipal Code for that Municipality or the maximum penalty set forth in the Pennsylvania Sewage Facilities Act (35 P.S. §750.13), and in default of payment of the fine and costs of prosecution, to undergo imprisonment for not more than thirty (30) days in the Butler County Prison, or both as allowed by law for each violation. Each day's continuation of a violation shall constitute a separate offense.

- 7.04** In addition to the penalties specified herein, the Authority and the local Municipality shall also be able to recover reasonable attorney's fees, court costs, court reporters' fees and any other expense of litigation by appropriate suit at law against the person found to have violated the provisions of any applicable local ordinances and these Rules and Regulations.

### **REMEDIES NONEXCLUSIVE**

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

### **RECOVERY OF DAMAGES AND/OR COSTS**

- 7.06** Any person or User violating any of the provisions of these Rules and Regulations or who discharges or causes a discharge which produces a deposit or obstruction or otherwise causes damage to or impairs the operation of the Authority's POTW shall be liable to the Authority for any expenses, losses or damages caused by such violation or discharge. The Authority shall bill the User for the costs incurred by the Authority for any cleaning, repair or replacement work caused by the violation or discharge. Refusal to pay the assessed costs shall constitute a violation of these Rules and Regulations and shall be subject to further enforcement action according to the provisions of these Rules and Regulations.

### **CIVIL ACTIONS**

- 7.07** Each sewerage service charge or surcharge levied by the Authority according to the General Rules and Regulations Governing Sewage Service of January 1, 1964, as amended, any fees assessed by the Authority according to Article V of these Rules and Regulations, and any civil or criminal penalties assessed under Article VII of these Rules and Regulations shall be a debt due the Authority. If any such charges or assessments shall not be paid within thirty (30) calendar days after it shall be due and payable, the amount thereof, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the Authority in a civil action, or as provided in Paragraph 7.13 of these Rules and Regulations.

**7.08** In the event of failure to pay the sewer service charge, surcharges, fees, fines, penalties, and/or damage assessments after they become delinquent, the Authority shall be authorized to terminate or seal the sewer connection and shall have the right to enter upon the property of the User of the service for such purpose, and to take such steps as may be necessary to accomplish such termination of the sewer connection, and the cost of such termination or sealing, as well as the expense of restoring any such sewer service, shall likewise be a debt due the Authority and may be recovered by civil action. Sewage service shall not be reactivated, nor the sewage connection restored, until all service charges, including the expense of termination, sealing, and restoration shall have been paid. Change of ownership or occupancy or premises found delinquent shall not be cause for reducing or eliminating these charges and penalties.

**7.09** All charges under these Rules and Regulations are hereby made a charge against the property and a lien thereon, to be levied and collected against the property in the name of the owner or reputed owner, occupier, mortgagee, or anyone beneficially interested therein, as claims are liened and collected under the Municipal Claims Law of the Commonwealth of Pennsylvania.

#### **PUBLIC WATER SERVICE TERMINATION**

**7.10** As an additional cumulative remedy, the Authority may require the Water Utility servicing a User's premises to shut off the public water supply, in accordance with the provisions of the Pennsylvania Act of April 14, 2006, P.L. 85, No. 28 §501, as codified at 53 P.S. §3102.501 *et seq.* as applicable, until all sewer service charges, fees, surcharges, fines, penalties, and/or damages assessed under these Rules and Regulations are paid to the Authority.

#### **DENIAL OF PERMIT OR PERMIT REISSUANCE**

**7.11** The Authority may decline to issue or reissue an Industrial Waste Permit to any User who has failed to pay any outstanding sewer service charges, surcharges, pretreatment fees, fines, penalties, and/or damage assessments incurred as a result of any provision of these Rules and Regulations, a previous Industrial Waste Permit or any order issued hereunder.