

# **WATER AND SEWER SERVICE RULES AND REGULATIONS**

**of the**

**NEW OXFORD MUNICIPAL AUTHORITY  
ADAMS COUNTY, PENNSYLVANIA**

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**1240 North Mountain Road  
Harrisburg, Pennsylvania 17112**

**NEW OXFORD MUNICIPAL AUTHORITY  
ADAMS COUNTY, PENNSYLVANIA**

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**RULES AND REGULATIONS  
WATER AND SEWER SERVICE**

These Rules and Regulations are a part of the contract with every customer who utilizes the water and/or sewer systems, and every such customer who utilizes either or both systems agrees to be bound thereby.

The Water System of the New Oxford Municipal Authority serves New Oxford Borough and portions of Oxford Township, Berwick Township and Hamilton Township. Water customers are subject to all the Rules and Regulations herein relative to the Water System and are billed directly by the New Oxford Municipal Authority.

The Sewer System of the New Oxford Municipal Authority serves New Oxford Borough and Oxford Township. Sewer customers are subject to all Rules and Regulations herein relative to the Sewer System and are billed directly by the New Oxford Municipal Authority.

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## ARTICLE I. DEFINITIONS

### Section 1.1 Definitions — Sewer System

1. ACT — The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended (33 U.S.C. §1251 et seq.).
2. AUTHORITY — New Oxford Municipal Authority, Adams County, a Pennsylvania municipal authority.
3. AUTHORIZED REPRESENTATIVE OF THE USER — If the User is a corporation, the authorized representative shall be:
  - A. The president, vice-president, secretary, or treasurer of the corporation in charge of a principal business function, or any person who performs similar policy or decision-making functions for the corporation or who has been officially designated and authorize to act as the corporate representative in accordance with corporate procedures; or

If the User is a partnership or a sole proprietorship, an authorized representative shall mean a general partner or proprietor, respectively. If the User is a Federal, State or local governmental facility, the authorized representative shall mean a ranking elected official, or principal executive official having responsibility for the overall operation and performance of the activities of the principal geographic unit of the government agency. The individuals described above may designate another authorized representative if:

- C. The authorization is made in writing by the individual described above;
  - D. The authorization specifies either the individual or a position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company; and
  - E. The written authorization is submitted to the Authority.
4. BIOCHEMICAL OXYGEN DEMAND (BOD) — The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at twenty degrees Centigrade (20°C), expressed in terms of weight and concentration, milligrams per Liter (mg/L).
5. BOROUGH — Borough of New Oxford, Adams County, Pennsylvania, a municipal subdivision of the Commonwealth of Pennsylvania, acting by and through its authorized representatives.
6. BUILDING SEWER — That part of the sewer line from the service lateral to the outer wall of the building being served. The building sewer shall be maintained by the Owner.
7. COMMERCIAL ESTABLISHMENT — Any room, group of rooms, building or enclosure used or intended for use in the operation of one business enterprise for the sale and distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purpose and containing plumbing. “Commercial

Establishment” includes institutional dormitories, but does not include personal care boarding homes licensed by Commonwealth.

8. **COMPOSITE SAMPLE** — The sample resulting from the combination of individual wastewater samples taken at selected intervals based on an increment of time and/or flow, as applicable.
9. **CONNECTION UNIT** — Each individual building or portion of a building, which is designed or adaptable to separate ownership whether for commercial industrial or residential use. A school, factory, apartment house, office building or other multiple unit structure whose individual apartments or units are connected to a common internal wastewater system and which are not subject to separate connection and ownership shall be considered as one Connection Unit.
10. **COOLING WATER** — The water discharged from any use to which the only pollutant added is heat, such as air conditioning, cooling or refrigeration.
11. **DIRECT DISCHARGE** — The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
12. **DOMESTIC WASTEWATER** — Human excrement and gray water (showers, dishwashers, washing machines, etc.) from residential households, institutions, commercial and industrial establishments, but excluding industrial wastewater.
13. **EQUIVALENT DWELLING UNIT (EDU)** — A unit of measure for the engineering design flow of domestic and/or industrial wastewater discharged from an improved property, equivalent to 165 gallons per day (GPD). Every building or use connected to the Sewer System shall constitute at least one (1) EDU. For the purposes of residential use, the number of EDUs applicable shall consist of the total number of single-family dwelling units, together with the EDUs applicable to any common-use areas calculated as set forth herein for nonresidential use. For the purposes of nonresidential use, the number of EDUs applicable to that use shall consist of the actual or estimated total discharge of wastewater per day, divided by 165 gallons per day.
14. **EXISTING SOURCE** — Any source of discharge, the construction or operation of which commenced prior to the publication of proposed Federal Categorical Pretreatment Standards, which will be applicable to such source if the Federal Categorical Pretreatment Standard is thereafter promulgated in accordance with Section 307(c) of the Act.
15. **FEDERAL CATEGORICAL PRETREATMENT STANDARD OR CATEGORICAL STANDARD** — Any regulation containing pollutant discharge limits promulgated by EPA in accordance with Section 307(b) and (c) of the Act (33 U.S.C. §1317), which applies to a specific category of Industrial Users and which appear in 40 CFR Chapter I, Subchapter N, §§405-471.
16. **GRAB SAMPLE** — A sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes.
17. **HOLDING TANK WASTE** — Any waste from holding tanks, such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
18. **IMPROVED PROPERTY** — Any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human beings and from which structure domestic and/or industrial wastewater shall be or may be discharged.

19. **INDIRECT DISCHARGE** — The discharge or the introduction of pollutants from any nonresidential source regulated under Section 307(b), (c) or (d) of the Act (33 U.S.C. §1317), into the POTW, including holding tank waste discharged into the Sewer System.
20. **INDUSTRIAL PRETREATMENT PROGRAM** — A program administered by the Authority pursuant to these Rules and Regulations controlling the discharge of industrial wastewater to the New Oxford Municipal Authority POTW.
21. **INDUSTRIAL ESTABLISHMENT** — Any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one business enterprise for manufacturing, fabricating, processing, cleaning, laundering or assembling any product, commodity, or article or from which any industrial wastewater, as distinct from domestic wastewater, shall be discharged.
22. **INDUSTRIAL USER** — A source of Indirect Discharge.
23. **INDUSTRIAL WASTEWATER** — Any liquid, gaseous or waterborne waste discharged from commercial or industrial establishments, as distinct from domestic wastewater.
24. **INTERFERENCE** — A discharge which, alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW, its treatment processes or operations, or its sludge processes, use or disposal, and therefore is a cause of a violation of any requirement of the POTW's NPDES Permit, including an increase in the magnitude or duration of a violation. The term includes a discharge which causes the prevention of sewage sludge use or disposal by the POTW in compliance with any of the following statutory/regulatory provisions or permits issued there under (or more stringent state and local regulations): Section 405 of the Clean Water Act (33 U.S.C. §1345); the Solid Waste Disposal Act (SWDA) including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA); the Clean Air Act; the Toxic Substances Control Act; the Marine Protection, Research and Sanctuaries Act; and any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA applicable to the method of disposal or use employed by the POTW.
25. **MEDICAL WASTE** — Isolation wastes, infectious agents, human blood and blood byproducts, pathological wastes, sharps, body parts, etiologic agents, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes and dialysis wastes.
26. **METERING FACILITIES** — A flow-measuring system, designed and installed in accordance with accepted engineering practices, and approved by the Authority for the measurement of wastewater flows. For industrial and nonresidential establishments, publicly-metered water use records may be considered "Metering Facilities" if approved by the Authority.
27. **NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT** — A permit issued pursuant to Section 402 of the Act (33 U.S.C. §1342).
28. **NATIONAL PROHIBITIVE DISCHARGE STANDARD OR PROHIBITIVE DISCHARGE STANDARD** — Any regulation developed under the authority of Section 307(b) of the Act and set forth in 40 CFR §403.5.
29. **NEW SOURCE** — 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 Federal Categorical Pretreatment Standards under Section 307(c) of the Act, which will be applicable to such source, if such standards are thereafter promulgated in accordance with that section provided that the building, structure, facility or installation is constructed at a site at which no other source is located; the building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or 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 the above paragraph, but otherwise alters, replaces or adds to existing process or production equipment. Construction of a new source as defined under this paragraph has commenced if the owner or operator has begun, or caused to begin, as part of a continuous onsite construction program any placement, assembly or installation of facilities or equipment; significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which are necessary for the placement, assembly or installation of new source facilities or equipment; or entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in the operation within a reasonable time. Options to purchase or contracts, which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this paragraph.

30. NONCONTACT COOLING WATER — Water used for cooling that does not come into direct contact with any raw material, intermediate product, waste product or finished product.
31. NONRESIDENTIAL ESTABLISHMENT — A commercial, institutional or industrial establishment.
32. OWNER — Any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property located within the sewer service area.
33. PASS THROUGH — A discharge that 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 POTW's NPDES Permit, including an increase in the magnitude or duration of a violation.
34. PERSON — Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, society, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.
35. pH — The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in grams per Liter of solution and indicates the degree of acidity or alkalinity of a substance.
36. POLLUTANT — Any dredged spoil, solid waste, incinerator residue, filter backwash, domestic wastewater, industrial wastewater, garbage, sewage sludge, munitions, medical wastes, chemical

wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, industrial, municipal and agricultural wastes, and certain characteristics of wastewater (e.g., Biochemical Oxygen Demand (BOD), Chemical Oxygen Demand (COD), Color, Odor, pH, Temperature, Total Suspended Solids (TSS), Toxicity or Turbidity).

37. **PRETREATMENT OR TREATMENT** — The reduction of the amount of pollutants, the elimination of pollutants, the alteration of the nature 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. This reduction or alteration can be obtained by physical, chemical or biological processes; by process changes; or by other means, except as prohibited by 40 CFR §403.6(d), which prohibits dilution as a substitute for treatment.
38. **PRETREATMENT REQUIREMENTS** — Any substantive or procedural requirement related to pretreatment, other than a Pretreatment Standard imposed upon an Industrial User.
39. **PRETREATMENT STANDARDS** — Prohibited discharge standards, Federal Categorical Pretreatment Standards and local limits.
40. **PUBLICLY OWNED TREATMENT WORKS (POTW)** — A treatment works as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned, in this instance, by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling and reclamation of domestic or industrial wastewater. It also includes pipes, sewers and other conveyances only if they convey wastewater to a POTW treatment plant. The term also means the municipality as defined in Section 502(4) of the Act (33 U.S.C. §1362(4)), which has jurisdiction over indirect discharges to, and the discharges from, such a treatment works.
41. **RESIDENTIAL ESTABLISHMENT** — Any private dwelling, any dwelling unit in a double house or in a row of connecting houses, any apartment, room, group of rooms, house, trailer, mobile home, building or other structure occupied or intended for occupancy as separate living quarters by a family or group of persons living together or by persons living alone, excluding institutional dormitories, but including personal care boarding homes licensed by the Commonwealth.
42. **SERVICE AREA** — That area of the Sewer System served by the POTW, as amended from time to time.
43. **SERVICE LATERAL** — That part of a sewer line from the sewer main to the curb line, right-of-way line, or, if there shall be no curb or right-of-way line, to the property line. The service lateral shall be maintained by the Owner.
44. **SEWER** — Any pipe, main or conduit constituting a part of the Sewer System, used or usable for collection and transportation of domestic and industrial wastewater, other than a building sewer.
45. **SEWER SYSTEM** — All Sewer and POTW related facilities and property owned by the Authority, as of any particular time, including but not limited to facilities for collecting, pumping, conveying and treating domestic and industrial wastewater.
46. **SHALL** is mandatory; **MAY** is permissive.
47. **SIGNIFICANT INDUSTRIAL USER** — Any nonresidential User of the POTW who:

- A. Is subject to Federal Categorical Pretreatment Standards; or
- B. Discharges an average flow of 10,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling water and boiler blow down wastewater); or
- C. Contributes a process waste stream which makes up five percent (5%) or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
- D. Is designated as significant by the Authority on the basis that the nonresidential User has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement.

Upon finding that a nonresidential User meeting the criteria in paragraphs (B) through (D), above, has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or Requirement, the Authority may at any time, on its own initiative or in response to a petition received from the nonresidential User determine that such nonresidential User should not be considered a Significant Industrial User.

- 48. SLUG — Any discharge of a non-routine, episodic nature, or at a flow rate or concentration which could cause a violation of the General or Specific Prohibited Discharge Standards in Sections 4.1 and 4.2 of these Rules and Regulations.
- 49. STATE — Commonwealth of Pennsylvania.
- 50. STORM WATER — Any flow occurring during or following any form of natural precipitation and resulting there from.
- 51. STREET — Any street, road, lane, court, alley or public square.
- 52. TOTAL SUSPENDED SOLIDS — The total suspended matter that floats on the surface or is suspended in water, wastewater or other liquids, and which is removable by laboratory filtering.
- 53. TOXIC POLLUTANT — One of the pollutants, or a combination of those pollutants, listed as toxic in regulations promulgated by EPA under the provision of Section 307(a) (33 U.S.C. §1317) of the Act or other acts.
- 54. USER — Any Person who contributes, causes or allows the contribution of wastewater into the POTW.
- 55. WASTEWATER TREATMENT PLANT — The facility owned and operated by the Authority, located on Tracy Avenue in Oxford Township, Adams County.
- 56. TOWNSHIP – Township of Oxford, Adams County, Pennsylvania, a second class township of the Commonwealth of Pennsylvania, acting by and through its authorized representatives.
- 57. OXFORD TOWNSHIP SERVICE AREA – That area of the Sewer System located within the Township, initially defined in the Asset Purchase Agreement by and between the Authority and Township dated July 12, 2012, and as amended from time to time.

## Section 1.2 Definitions — Water System

1. AUTHORITY — New Oxford Municipal Authority, Adams County, a Pennsylvania municipality authority.
2. AUTHORITY’S SERVICE LINE — The water service pipe and appurtenances extending from the water main including the tee or tap in the main, the lateral pipe to a point at or near the property line, the curb stop or service valve and the curb box or valve box.
3. BOROUGH — Borough of New Oxford, Adams County, Pennsylvania, a borough of the Commonwealth of Pennsylvania, acting by and through its authorized representatives.
4. CONNECTION UNIT — Each individual building or portion of a building, which is designed or adaptable to separate ownership whether for commercial industrial or residential use. A school, factory, apartment house, office building or other multiple unit structure whose individual apartments or units are connected to a common internal water system and which are not subject to separate connection and ownership shall be considered as one Connection Unit.
5. CROSS-CONNECTION — An arrangement allowing either a direct or indirect connection through which backflow, including back-siphonage, can occur between the drinking water in a public water system and a system containing a source or potential source of contamination, or allowing treated water to be removed from any public water system, used for any purpose or routed through any device or pipes outside the public water system, and returned to the public water system. The term does not include connections to devices totally within the control of one or more public water systems and connections between water mains.
6. CUSTOMER – Any person who receives water service from the Authority.
7. CUSTOMER’S SERVICE LINE — That part of the water service pipe extending from the Authority’s water service line at the curb stop or service valve, to the premises or point of consumption, except the water meter.
8. EQUIVALENT DWELLING UNIT (EDU) — A unit of measure for the engineering design flow of water use for an improved property, equivalent to 173 gallons per day (GPD). Every building or use connected to the Water System shall constitute at least one (1) EDU. For the purposes of residential use, the number of EDUs applicable shall consist of the total number of single-family dwelling units, together with the EDUs applicable to any common-use areas calculated as set forth herein for nonresidential use. For the purposes of nonresidential use, the number of EDUs applicable to that use shall consist of the actual or estimated use of water per day, divided by 173 gallons per day.
9. OWNER — Any Person vested with ownership, legal or equitable, sole or partial, of any Improved Property located in the water service area.
10. PERSON — Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, society, or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by context.

11. WATER MAIN – Any pipe or water line, excluding the service connections, constituting part of the Water System used for transporting water.
12. WATER METER — A device for measuring the quantity of water used, which is the basis for determining charges for water service to a customer.
13. WATER SERVICE CONNECTION — A water service connection consists of the pipe or tubing, fittings, valves and related facilities necessary to conduct water from the distribution main to the meter or to the shutoff valve on an unmetered service connection, where connection is made with facilities of the customer.
14. WATER SYSTEM — All facilities and property owned by the Authority, as of any particular time, including but not limited to facilities for transmission, pumping, distribution and treating water.
15. WATER TREATMENT PLANT — The facility owned and operated by the Authority, located on Water Works Road in Oxford Township, Adams County.

### **Section 1.3 Abbreviations**

The following abbreviations shall have the designated meanings:

- BOD Biochemical Oxygen Demand
- CFR Code of Federal Regulations
- COD Chemical Oxygen Demand
- EPA Environmental Protection Agency
- GPD Gallons Per Day
- L Liter
- mg Milligrams
- mg/L Milligrams Per Liter
- NPDES National Pollutant Discharge Elimination System
- O&M Operation and Maintenance
- NAICS North American Industrial Classification System
- POTW Publicly Owned Treatment Works
- TSS Total Suspended Solids
- USC United States Code

## **ARTICLE II. SEWER CONNECTIONS**

### **Section 2.1 Permit Required for Connection**

No person shall uncover, connect to, make any opening into or use, alter or disturb in any manner any building sewer or any other part of the Sewer System without first obtaining a permit in writing from the Authority pursuant to these Rules and Regulations authorizing such connection and/or use as adopted by the Authority. No permit shall be issued unless there is sufficient capacity in the Sewer System to convey the wastewater to the wastewater treatment plant and sufficient capacity in the wastewater treatment plant to treat the wastewater.

### **Section 2.2 Application for Permit**

Application for a permit required under Section 2.1 of this Article shall be made by the owner of improved property to be served, or by his duly authorized representative. Upon receipt of a properly prepared application for connection to the Sewer System, together with the required reserve capacity fee and connection fee, the Authority shall issue a connection permit to the owner of the property. The sewer connection permit shall describe the property for which the permit is issued, and neither the owner nor any subsequent owner or tenant shall allow any other property to be attached to or connected with the sewer lines authorized under the permit.

### **Section 2.3 Conditions for Connections**

No person shall make or cause to be made a connection on any improved property with a sewer until such person shall have fulfilled each of the following conditions:

- A. Such person shall have applied for and obtained a permit as required by Section 2.1 of this Article.
- B. Such person shall have given the Authority at least 48 hours advance notice of the time when such connection will be made to the Sewer System so that the Authority may supervise and inspect the connection work and necessary testing.

### **Section 2.4 Display of Permit**

The permit required by Section 2.1 of this Article shall be displayed prominently upon the improved property to be connected to the Sewer System at all times during construction of the building sewer and connection of the building sewer to the sewer main.

### **Section 2.5 Separate Connection for Each Unit**

Except as otherwise provided in this section, each connection unit on each improved property shall be connected separately and independently with the Sewer System through a building sewer. Grouping of more than one connection unit on one building sewer shall not be permitted except under special circumstances, and then only after special permission is secured from the Authority in writing. Notwithstanding anything set forth hereinabove to the contrary, a single sewer connection will be permitted to serve a school, factory or apartment house or other permanent multiple unit structure whose

individual apartments or units may be separately metered and are not subject to separate ownership.

## **Section 2.6 Building Sewer**

The building sewer shall be installed by, and at the expense of, the property owner. All building sewers must be constructed of PVC SDR 35 plastic pipe having an internal diameter of not less than 6 inches. Joints must be of an approved material and construction, and the pipe must be laid in the best possible alignment and at a minimum grade of 1%. Adequate cover to protect the pipe from crushing or frost action will be required. Each house connection, greater than 25 feet from the curb line or property line to the structure, must be provided with a 6-inch clean-out vent. The property owner is responsible for the maintenance of the building sewer, which shall be maintained in a sanitary and safe operating condition. The construction of building sewers and the connection thereof to a sewer main shall be done in accordance with the Authority's specifications.

Every excavation for a building sewer shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a building sewer shall be restored at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Authority. Every excavation requiring a road opening of a state or county road may require a highway occupancy permit from the appropriate agency.

## **Section 2.7 Costs of Construction and Connection**

All costs and expenses of construction of a building sewer and of connection to a sewer main shall be borne by the owner of the property to be connected; and in addition, as a condition of the grant of a permit, such owner shall agree to indemnify and save harmless the Authority from all loss or damage resulting from directly or indirectly from the connection to the sewer main, including any damages to persons or property.

## **Section 2.8 Correction of Defects in Building Sewers**

Whenever the Authority has reason to believe that any building sewer has become defective, such building sewer shall be subject to testing and inspection. . Any building sewer in excess of seventy-five (75) feet shall be inspected by the customer every five (5) years for infiltration and inflow. A written report from the contracted inspector shall be provided to the Authority within thirty (30) days of the completion of the inspection work. Defects found upon such testing and inspection, if any, shall be corrected as required by the Authority, at the cost and expense of the owner of the improved property served through such building sewer

## **Section 2.9 Required Connections to Available Sewers**

The owner of any improved property within the Authority's Service Area which abuts or adjoins, or which is within 200 feet of any easement, alley, street or highway in which Authority-owned sewers are located or through which sewers are constructed and upon which property domestic or industrial wastewater is generated shall, upon receipt of written notice from the Authority, connect such improved property to the Sewer System without delay in accordance with these Rules and Regulations.

If any owner of improved property required to be connected to the Sewer System shall neglect or refuse to connect thereto after written notice to do so, the Authority may give the owner written notice making

reference to this section and ordering the owner to make the required connection within sixty (60) days of the date of notice, and upon failure of the owner to make the required connection within the 60-day period, the Authority or its agents may enter the property and construct such connection and, upon completion of the work, send an itemized bill of the cost of construction of such connection to the property owner, which bill shall be payable immediately. In case of neglect or refusal by the owner of such property to pay said bill, it shall be the duty of the Authority and Authority solicitor to file municipal liens for said construction within six (6) months of the date of completion of the construction of said connection.

If any owner of improved property within the Authority's Service Area shall have failed to connect such property to the Sewer System, and the Authority shall have given such owner written notice, and if such owner shall have failed to make the required connection within the 60-day period, such failure shall be a violation of these Rules and Regulations and such owner shall, upon conviction thereof, forfeit and pay to the Authority the sum of One Thousand Dollars (\$1,000.00) for each day such violation shall persist, together with costs of prosecution.

### **Section 2.10 Change in Ownership**

An application for sewer service on a form provided by the Authority shall be submitted for Authority approval upon any change in ownership of property or any change in the type of service, as indicated on the application form. The Authority shall have the right, upon five (5) days notice, to discontinue the sewer service until such new application is submitted and approved.

### **Section 2.11 Extensions By Builder or Developer**

In cases when a builder or developer desires sewer service within the Authority's Service Area to be furnished to the development, but the Authority declines to provide such extension at Authority expense, the builder or developer may elect to construct the sewer extension at his own expense. Construction of extensions shall be in accordance with these Rules and Regulations and the Authority's specifications. The builder or developer shall obtain all necessary permits from the regulatory agencies for the construction. Plot plans shall be submitted to the Authority for approval prior to any construction. The Authority or its representative shall inspect the construction. The cost of such inspection shall be borne by the builder or developer.

### **Section 2.12 Septic Tank Use**

It shall be unlawful, sixty (60) days from receipt of written notice pursuant to Sections 2.9 of this Article, for any person to own, maintain, operate or use within the Authority's Service Area, a privy, cesspool, vault, septic tank or similar receptacle for domestic wastewater upon any property now or hereafter improved, which is accessible to the Sewer System; or to connect any privy, cesspool, vault, septic tank or similar receptacle to the Sewer System.



### **Section 2.13 Denial of Sewer System Use**

If any person fails, for sixty (60) days after written notice from the Authority, to remedy unsatisfactory conditions with respect to a building sewer, the Authority may refuse to allow such person to use the Sewer System until such satisfactory condition is remedied to the satisfaction of the Authority.

### **Section 2.14 Metering Facilities**

All nonresidential users of the Sewer System, except as specifically exempted by the Authority, shall have metering facilities, which type and location shall be approved by the Authority. Operation and maintenance of the metering facilities is the responsibility of the nonresidential user. If an existing nonresidential user does not have such metering facilities, the user has six (6) months from the effective date of these Rules and Regulations to submit and receive approval for the installation of such metering facilities.

All nonresidential users shall submit monthly flow reports to the Authority, if required, in writing, by the Authority to do so. Failure to comply with this section of the Rules and Regulations may result in penalties up to One Thousand Dollars (\$1,000.00) per day per violation. Compliance includes reporting and proper meter operation and maintenance requirements.

### **Section 2.15 Discontinuance/Alternate Provider(s) of Sewer Service**

Once a connection is established to the Sewer System, no customer shall be permitted to discontinue such sewer service, irrespective of whether such customer(s) seeks to switch to an alternate service provider or otherwise. Further, no property located within the Authority's Service Area which is unconnected to the Sewer System may utilize any alternate sewer service provider and/or alternate sewer collection system without the express written consent of the Authority.

## **ARTICLE III. WATER CONNECTIONS**

### **Section 3.1 Permit Required for Connection**

No person shall uncover, connect to, make any opening into or use, alter or disturb in any manner any water service connection or any other part of the Water System without first obtaining a permit in writing from the Authority pursuant to these Rules and Regulations authorizing such connection and/or use as adopted by the Authority. No permit shall be issued unless there is sufficient capacity in the Water System to transmit the water from the water treatment plant and sufficient capacity in the water treatment plant to treat the water.

### **Section 3.2 Application for Permit**

Application for a permit required under Section 3.1 of this Article shall be made by the owner of improved property to be served, or by his duly authorized representative. Upon receipt of a properly prepared application for connection to the Water System, together with the required reserve capacity fee and connection fee, the Authority shall issue a connection permit to the owner of the property. The water connection permit shall describe the property for which the permit is issued, and neither the owner nor any subsequent owner or tenant shall allow any other property to be attached to or connected with the water lines authorized under the permit.

### **Section 3.3 Conditions for Connections**

No person shall make or cause to be made a connection on any improved property with a water line until such person shall have fulfilled each of the following conditions:

- A. Such person shall have applied for and obtained a permit as required by Section 3.1 of this Article.
- B. Such person shall have given the Authority at least 48 hours advance notice of the time when such connection will be made to the water system so that the Authority may supervise and inspect the connection work and necessary testing.

### **Section 3.4 Display of Permit**

The permit required by Section 3.1 of this Article shall be displayed prominently upon the improved property to be connected to the Water System at all times during construction of the water service connection.

### **Section 3.5 Separate Connection for Each Unit**

Except as otherwise provided in this section, each connection unit on each improved property shall be connected separately and independently with the Water System through a water service connection. Grouping of more than one connection unit on one water service connection shall not be permitted except under special circumstances, and then only after special permission is secured from the Authority in writing. Notwithstanding anything set forth hereinabove to the contrary, a single water service connection will be permitted to serve a school, factory or apartment house or other permanent multiple unit structure

whose individual apartments or units may be separately metered and are not subject to separate ownership.

### **Section 3.6 Water Service Connection**

The water service connection shall be installed by, and at the expense of, the property owner, under direct supervision of the Authority. The water service connection includes the connection to the water main, and the water service line to, and including, the curb stop and box, which is placed inside the curb line and the service line to the structure. The customer shall maintain the curb stop and box and water service line to the structure. The Authority reserves the right to determine the size and kind of water service connection to be furnished. If the property owner desires a larger size water service connection than is deemed necessary by the Authority, the owner shall pay an additional connection fee, to be determined at the time connection is made to the Water System. The water service connection shall be laid in a straight line as practicable and shall be provided with four (4) feet of cover. No water service connection shall be laid in the same trench with gas pipe, drain pipe or sewer pipe, nor within three (3) feet of any open excavation or vault. The construction of water service connections and the connection thereof to a water main shall be done in accordance with the Authority's specifications.

Every excavation for a water service connection shall be guarded adequately with barricades and lights to protect all persons from damage and injury. Streets, sidewalks and other public property disturbed in the course of installation of a water service connection shall be restored at the cost and expense of the owner of the improved property being connected, in a manner satisfactory to the Authority. Every excavation requiring a road opening of a state or county road may require a highway occupancy permit from the appropriate agency.

### **Section 3.7 Cross Connections**

It shall be the responsibility of the owner to eliminate cross connections or provide backflow devices to prevent contamination of the distribution system from both back-siphonage and backpressure. Individual backflow preventers shall be acceptable to the Authority. If the customer fails to comply with this requirement within a reasonable period of time, the Authority shall discontinue service after reasonable notice has been made to the owner.

### **Section 3.8 Costs of Construction and Connection**

All costs and expenses of construction of a water service connection and of a connection to a water main shall be borne by the owner of the property to be connected; and in addition, as a condition of the grant of a permit, such owner shall agree to indemnify and save harmless the Authority from all loss or damage resulting from directly or indirectly from the connection to the water main, including any damages to persons or property.

### **Section 3.9 Correction of Defects in Water Service Connection**

Whenever the Authority has reason to believe that any water service connection has become defective, such water service connection shall be subject to testing and inspection. Defects found upon such testing and inspection, if any, shall be corrected as required by the Authority, at the cost and expense of the owner of the improved property served through such water service connection.

### **Section 3.10 Required Meters for All Services**

A separate meter shall be required for every Connection Unit under these Rules and Regulations. Exceptions may be approved by the Authority if separate meters cannot be placed in units where common plumbing fixtures exist.

All meters of 5/8-inch diameter shall be furnished and installed by the Authority, and shall remain the property of the Authority. All larger diameter meters shall be furnished by the Authority but paid for by the customer. The Authority shall have ready access to all meters at all reasonable times. The meters shall remain under the control of the Authority.

Meters shall be installed after plumbing is available to install the meter. Meter location shall be approved by the Authority. Meters shall be located so as to control the entire water supply to the building. Meters installed outside of a building shall be placed in an approved meter pit, complete with approved stops, valves, backflow preventer and drain, all provided at the owner's expense.

A wheel handle round-way stopcock or gate valve shall be placed by the owner on the water service line directly in front of the meter and a stop and waste-cock or gate valve on the outlet side of the meter. A suitable check valve shall be placed by the owner between the stop and waste-cock valve and meter. When a check valve is installed, a safety valve shall be inserted at a convenient point on the house piping to relieve excess pressure due to hot water.

The cost for reinstallation or changing a damaged water meter due to the negligence of the owner shall be the Authority's cost of the meter plus a \$100.00 installation or repair fee.

### **Section 3.11 Meter Registration**

The quantity of water registered by a meter is conclusive unless it is determined through acceptable practices that the meter is not registering the flow accurately or has ceased registering the flow entirely. In such cases, water use quantities may be determined by averaging previous measurements. The customer shall immediately notify the Authority if he/she suspects the meter is not working properly. If the water use quantities are in dispute, such meter may be tested upon written request by the customer. Water bills may be adjusted if discrepancies of greater than or equal to 4% are found as a result of the meter testing. If the meter testing shows discrepancies less than 4%, the customer shall reimburse the Authority for the cost of testing the meter. The Authority reserves the right to test any meter to determine if it is accurately registering the flow of water. Upon written notification, the customer shall provide the Authority access to the meter in order to undertake any testing.

### **Section 3.12 Owner Maintenance**

All water service connections, service lines and fixtures furnished by the owner shall be maintained in working order by the owner. Meter and appurtenances owned by the Authority and on the owner's property shall be protected and maintained by the owner. All leaks in the owner's service line or any other pipe of fixture on the owner's property shall be repaired immediately by the owner.

### **Section 3.13 Temporary Interruption of Water Service**

The Authority has the right to cut off water service temporarily, in case of breakdown, emergency or other unavoidable cause, to make necessary repairs, connections, etc. The Authority shall use all reasonable and practical measures to notify customers of such interruption of water service. In such cases, the Authority will not be held liable for any damage or inconvenience suffered by the customer, or any claim against the Authority at any time for interruption of service, lessening of supply, inadequate pressure, poor quality of water or for any cause beyond the Authority's control. Notice provided to customers by the Authority for temporary interruption of water service will state, to the best of the Authority's ability, the duration of the interruption of service and the reason for the interruption in service.

### **Section 3.14 Reserve Water Supply**

The Authority shall have the right to reserve a sufficient supply of water at all times in its storage facilities to provide for fire and other emergencies, or it may restrict or regulate the quantities used by customers in times of drought, or whenever the public welfare may require it.

### **Section 3.15 Change in Ownership**

An application for water service on a form provided by the Authority shall be submitted for Authority approval upon any change in ownership of property or any change in the type of service, as indicated on the application form. The Authority shall have the right, upon five (5) days notice, to discontinue water service until such new application is submitted and approved.

### **Section 3.16 Extensions By Builder or Developer**

In cases when a builder or developer desires water service to be furnished to the development, but the Authority declines to provide such extension at Authority expense, the builder or developer may elect to construct the water extension at his own expense. Construction of extensions shall be in accordance with these Rules and Regulations and the Authority's specifications. The builder or developer shall obtain all necessary permits from the regulatory agencies for the construction. Plot plans shall be submitted to the Authority for approval prior to any construction. The Authority or its representative shall inspect the construction. The cost of such inspection shall be borne by the builder or developer.

### **Section 3.17 Discontinuance of Water Service By Customer**

All agreements covering water service shall continue in force unless and until reasonable notice is provided to the Authority in writing by the customer.

Once a connection is established to the Water System, no customer shall be permitted to discontinue water service provided by the Authority, irrespective of whether such customer(s) seeks to switch to an alternate water service provider or otherwise. Further, no customer shall be permitted to turn the water on or off at any corporation stop, curb stop or disconnect, remove any water meter, or permit meter disconnection or removal, without the **express written** consent of the Authority.

### **Section 3.18 Discontinuance of Water Service By Authority**

Water service may be discontinued by the Authority at any customer's service for any of the following reasons:

- A. For the use of water for any other property or purpose other than described in the water service application.
- B. For willful waste of water through improper or imperfect pipes or fixtures.
- C. For damage to any water service connection, pipe or meter, or any other appurtenance owned by the Authority.
- D. For vacant properties.
- E. For non-payment of water and/or sewer rentals or other related charges of the Authority.
- F. For refusing reasonable access to property for purpose of inspection or maintenance of meters and appurtenances.
- G. For making, or refusing to sever, any cross connection.
- H. For violation of any Authority Rules and Regulations.

### **Section 3.19 Water Service Renewal**

Water service will be renewed upon approval of an application for service, when the conditions under which such service was discontinued are corrected, and upon payment of all appropriate fees and charges.

### **Section 3.20 Use of Hydrants**

No person is allowed to open any fire hydrant or to use any water from a fire hydrant without prior permission from the Authority, except in case of fire. Local fire companies are allowed to test hydrants. Such tests shall be made under the supervision of the Authority or its agents.

## ARTICLE IV. GENERAL SEWER USE REQUIREMENTS

### Section 4.1 General Prohibited Discharge Standards

No User shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater which will pass through or interfere with the operation or performance of the POTW. These general prohibitions apply to all Users of the POTW, whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State or local Pretreatment Standards or Requirements.

### Section 4.2 Specific Prohibited Discharge Standards

These specific prohibitions apply to all Users of the POTW, whether or not the User is subject to Federal Categorical Pretreatment Standards or any other Federal, State or local Pretreatment Standards or Requirements. A User may not contribute the following substances to the POTW:

- 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 other substances, to create a hazard of fire or explosion, or to be injurious in any other way to the POTW, or to the operation of the POTW, including, but not limited to, waste streams with a closed cup flashpoint of less than 140 degrees Fahrenheit (140°F) or 60 degrees Centigrade (60°C) using the test methods specified in 40 CFR §261.21. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into the Sewer System (or at any point in the Sewer System) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Except as otherwise provided by the Authority, prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, and any other substance which is a fire hazard or a hazard to the Sewer System.
- B. Solid or viscous substances which may cause obstruction to the flow in a sewer or other interferences with the operation of the wastewater treatment facilities, such as, but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.
- C. Any wastewater having a pH less than 6.0 or more than 10.0, or otherwise causing corrosive structural damage to the POTW or equipment.
- D. Any wastewater containing pollutants in sufficient quantity, which either singly or by interaction with other pollutants, injures or interferes with any wastewater treatment process, constitutes a hazard to humans and animals, creates a toxic effect in the receiving waters of the POTW, or exceeds the limitations set forth in a Federal Categorical Pretreatment Standard.
- E. Any pollutants which result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems or any noxious or malodorous liquids, gases, or solids which either singly or by interaction with other wastes are sufficient to create a public nuisance or hazard to life, or are sufficient to prevent entry into the sewers for maintenance or repair.

- F. Any substance that may cause the POTW's effluent or any other product of the POTW, such as residues, sludges or scums, to be unsuitable for reclamation or reuse, or to interfere with the reclamation process. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; or any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substance Control Act or State criteria applicable to the sludge management method being used.
- G. Any substance that will pass through, and as a result, cause the POTW to violate its NPDES Permit.
- H. Any wastewater with objectionable color not removed in the treatment process such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Any wastewater having a temperature which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater with a temperature at the introduction into the POTW which exceeds 104 degrees Fahrenheit (104°F) or 40 degrees Centigrade (40°C).
- J. Oil and grease, including petroleum oil, nonbiodegradable cutting oil, products of mineral oil origin, and animal and vegetable oils in amounts greater than 100 mg/L.  
Gas stations and garages are required to provide oil interceptors of the types approved by the Authority, in the proper location, where the dangerous liquids are to be intercepted.  
  
Restaurants or other non-residential establishments as directed are required to provide a complete grease recovery unit, properly sized to handle anticipated flow rates as approved by the Authority. Design calculations and plans must be submitted to and approved by the Authority prior to construction.
- K. Hauled Waste of industrial origin is prohibited. Hauled Waste of domestic origin is prohibited except at discharge points designated by the POTW.
- L. Any pollutants, including oxygen-demanding pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration that cause interference to the POTW.
- M. Any wastewater containing any radioactive wastes or isotopes (of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations).
- N. Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, shall be capable of creating a public nuisance or hazard to life or of preventing entry into the Sewer System or the POTW for maintenance and repair or which may cause acute worker health or safety problems.
- O. Any storm water, surface water, ground water, roof runoff, subsurface drainage, swimming pool drainage, cooling water, unpolluted industrial or nonresidential process water. The discharge of cooling water from air conditioning units with cooling towers or recirculating systems or those units using flow-through or unrecirculating systems is prohibited.
- P. Medical wastes, except as specifically authorized by the Authority in a Wastewater Discharge



Permit.

- Q. Detergents, surface-active agents or other substances that may cause excessive foaming in the POTW.
- R. Any water or waste containing any Toxic Inorganic Substance or Organic Compound/Pollutant, as defined below, in quantity sufficient to constitute a hazard to humans or animals or to interfere with any wastewater treatment process of the wastewater treatment plant or that will pass through the wastewater treatment plant in such condition so that it will exceed State, Federal or other validly existing requirements. Samplings taken to determine the maximum allowable concentration shall be at the point of discharge to the Sewer System.

| Toxic<br>Inorganic Substances | Maximum<br>Allowable Concentration |
|-------------------------------|------------------------------------|
| Aluminum (ionic form)         | 10.0 mg/l                          |
| Antimony                      | 1.0 mg/l                           |
| Arsenic                       | 0.1 mg/l                           |
| Barium                        | 5.0 mg/l                           |
| Beryllium                     | 1.0 mg/l                           |
| Boron                         | 1.0 mg/l                           |
| Cadmium                       | 0.02 mg/l                          |
| Chromium, total               | 1.0 mg/l                           |
| Copper                        | 0.5 mg/l                           |
| Cyanide (total)               | 0.1 mg/l                           |
| Fluorides                     | 1.5 mg/l                           |
| Iron                          | 3.0 mg/l                           |
| Lead                          | 0.05 mg/l                          |
| Manganese                     | 3.0 mg/l                           |
| Mercury                       | 0.002 mg/l                         |
| Nickel                        | 0.5 mg/l                           |
| Selenium                      | 0.1 mg/l                           |
| Silver                        | 0.1 mg/l                           |
| Sulfate                       | 360 mg/l                           |
| Tin                           | 5.0 mg/l                           |
| Zinc                          | 0.3 mg/l                           |
| Chromium (Hexavalent)         | 0.05 mg/l                          |
| MBAs (Detergent)              | 1.0 mg/l                           |
| Color (Platinum Cobalt Units) | 75                                 |
| Chlorides                     | 250 mg/l                           |
| Methylene Chloride            | 0.2 mg/l                           |

| Maximum<br>Organic Compounds / Pollutants | Allowable Concentration |
|---|-------------------------|
| Acrolein                                  | 0.2 mg/l                |
| Acrylonitrile                             | 0.2 mg/l                |
| 2,4-dinitrophenol                         | 0.5 mg/l                |
| 2-methyl-4,6-dinitrophenol                | 0.5 mg/l                |

|                                   |            |
|-----------------------------------|------------|
| Alcohols (total)                  | 25.0 mg/l  |
| Phenols                           | 0.001 mg/l |
| Chlorinated hydrocarbons (total)  | 2.0 mg/l   |
| Pesticides and Herbicides (total) | 0.1 mg/l   |
| Benzidine                         | 50.0 mg/l  |
| Methylene blue                    | 50.0 mg/l  |
| Acetone                           | 50.0 mg/l  |
| Toluene                           | 1.0 mg/l   |
| Ethylbenzene                      | 1.0 mg/l   |
| Naphthalene                       | 1.5 mg/l   |
| Hexachlorobenzene                 | 2.0 mg/l   |
| Chloroform                        | 0.1 mg/l   |
| Total Toxic Organics (TTO)        | 2.0 mg/l   |

Upon the promulgation of the Federal Categorical Pretreatment Standards for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under this regulation for sources in that subcategory, shall immediately supersede the limitations imposed under this regulation. The Authority shall notify all affected Users of the applicable reporting requirements under 40 CFR, Section 403.12.

- S. Any wastewater volume (quantity) which will have a detrimental effect on the collection system, pumps, or treatment units.
- T. Any wastewater containing an excess of 12 mg/l of total phosphorus (TP) unless approved by the Authority's Board under separate agreement. However, no total phosphorus (TP) discharges shall exceed 25 mg/l under any circumstances. See Section 7.9 Waste Surcharge.
- U. Any wastewater containing an excess of 25 mg/l of ammonia nitrogen (NH<sub>3</sub>-N), unless approved by the Authority's Board under separate agreement. However, no total Kjeldahl(tkn) discharges shall exceed 60 mg/l under any circumstances. See Section 7.9 Waste Surcharge.
- V. Any wastewater containing a biochemical oxygen demand (BOD) in excess of 250 mg/l, unless approved by the Authority's Board under separate agreement. See Section 7.9 Waste Surcharge.
- W. Any wastewater containing a chemical oxygen demand (COD) in excess of 450 mg/l unless approved by the Authority's Board under separate agreement.
- X. Any wastewater containing an excess of 250 mg/l by weight of suspended solid material, unless approved by the Authority's Board under separate agreement. See Section 7.9 Waste Surcharge.
- Y. Any pollutants that are a hazardous waste pursuant to 40 C.R.F. Part 261 unless such pollutant is subject to the domestic sewage exemption under 40 C.R.F § 261.4 (a) (1) (ii).

### **Section 4.3 Federal Categorical Pretreatment Standards**

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

- A. When regulated waste streams, subject to a Categorical Standard, are mixed with unregulated waste streams, the Authority may impose alternate limits using the combined waste stream formula

found in 40 CFR §403.6(e).

- B. Where a Categorical Standard is expressed only in terms of either mass or concentration for a pollutant, the Authority may impose equivalent concentration or mass limits in accordance with 40 CFR §403.6(c).
- C. A User may obtain a variance from a Categorical Standard if the User can prove, pursuant to the procedural and substantive provisions in 40 CFR §403.13, that factors relating to its discharge are fundamentally different from the factors considered by EPA when developing the Categorical Standard.
- D. A User may obtain a net gross adjustment to a Categorical Standard in accordance with 40 CFR §403.15.
- E. Where there is a conflict between Federal, State or local Pretreatment Standards, the more stringent Pretreatment Standard shall apply.

#### **Section 4.4 Specific Pollutant Limitations**

The Authority may establish additional limitations as deemed necessary by the Authority to protect against pass through and interference, and to protect the sludge quality. Limits may be allocated on an individual basis to the Industrial Users and defined through Wastewater Discharge Permits.

#### **Section 4.5 Right of Revision**

The Authority reserves the right to establish through a Wastewater Discharge Permit more stringent limitations or requirements on discharges to the Sewer System if deemed necessary and appropriate to comply with the objectives presented in these Rules and Regulations.

#### **Section 4.6 Dilution**

No User shall ever increase the use of process water, or, in any way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable Pretreatment Standard or Requirement.

#### **Section 4.7 Pretreatment Facilities**

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 the prohibitions set out in Sections 4.1 and 4.2 of this Article. 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 showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be subject to Authority approval before construction of the facility. The Authority does not by its approval of any of the designs or installation of the plans and equipment, or of any other information or plans submitted by a User, warrant or aver in any manner that the User's implementation of such measures will result in compliance with the applicable Pretreatment Requirements.

Notwithstanding any approval of such plans by the Authority, the User remains solely responsible for compliance with the applicable Pretreatment Requirements and all other federal, state and local requirements. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an acceptable discharge 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 accepted by the Authority prior to the User's initiation of the changes.

The User shall at all times properly operate and maintain all pretreatment facilities and systems of treatment and control (and related appurtenances) which are installed or used by the User to achieve compliance with Pretreatment Requirements. This includes adequate laboratory controls and appropriate quality assurance procedures, the operation of back-up or auxiliary facilities, or similar systems which are installed by the User only when the operation is necessary to achieve compliance. The intentional diversion of wastestreams from any portion of the User's treatment facility is prohibited, except as provided by Section 8.3 (B) of these Rules and Regulations.

#### **Section 4.8 Additional Pretreatment Requirements**

Whenever deemed necessary, the Authority may require a User to restrict its discharge during peak flow periods; to discharge at a consistent flow rate; to discharge certain industrial wastewaters only into specific sewers; to relocate and/or consolidate points of discharge; to separate domestic wastewater from industrial wastewater; and to perform and maintain such other conditions as may be necessary to protect the POTW and to determine the User's compliance with the requirements of these Rules and Regulations.

#### **Section 4.9 Accidental Discharge/Slug Control Plans**

Upon notification from the Authority, a User shall provide protection from accidental and slug discharges of prohibited materials or other substances regulated under these Rules and Regulations, or Federal or State regulations. Facilities to prevent accidental or slug discharges of prohibited materials shall be provided and maintained at the User's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be subject to Authority approval before construction of the facility. A User shall develop and implement an Accidental Discharge/Slug Control Plan when designated by the Authority. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following provisions:

- A. Description of discharge practices, including non-routine batch discharges.
- B. Description of stored chemicals.
- C. Procedures for immediately notifying the POTW of any accidental or slug discharge, as required by Section 6.6 of these Rules and Regulations.
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents and/or measures and equipment for emergency response.
- E. Such other conditions as deemed appropriate by the Authority.

#### **Section 4.10 Hauled Waste**

- A. Should the Authority decide to accept Hauled Waste of domestic origin, such waste may be introduced into the POTW only at locations designated by the Authority, and at such times as are established by the Authority. Such waste shall not violate these Rules and Regulations or any other requirements established by the Authority.
- B. Waste Haulers may be required to obtain a Waste Hauler Permit. In such cases, the application may, at a minimum, contain the following information:
  - 1. Name, address, location and telephone number.
  - 2. Vehicle information
  - 3. Description of wastes to be discharged
  - 4. List of permits held by the applicant for generation, transport and disposal.
  - 5. Estimate of total volume of waste to be discharged at the POTW.
  - 6. Name of the authorized representative of the Waste Hauler.
- C. Waste Hauler Permits may include, but not be limited to, the following conditions:
  - 1. Permit effective period and annual renewal.
  - 2. Designated disposal site and discharge hours.
  - 3. Random sampling requirements.
  - 4. Right of refusal to accept Hauled Waste.
  - 5. Prohibited discharges and local limits.
  - 6. Waste tracking system.
  - 7. Standard conditions.
  - 8. Penalties and other enforcement actions.
- D. Tracking of Hauled Waste through the use of a waste manifest form may include, but not be limited to, the following information:
  - 1. Generator and hauler name, address and telephone number.
  - 2. Permit number.
  - 3. Type and volume of waste.

4. Signatory requirements.

#### **Section 4.11 Grease Traps and Oil/Water Separators**

The Authority shall require any nonresidential facility to install grease traps and/or oil/water separators subject to such terms and conditions as deemed necessary by the Authority to protect the POTW, including the sewers, from excessive amounts of oil and/or grease.

Such traps and/or separators shall be inspected, cleaned and repaired regularly, as needed, by the owner at his expense. In the maintaining of these grease traps and/or oil/water separators, the owner shall be responsible for the proper removal and disposal of the captured material, and shall maintain records of the dates and means of disposal. Such records are subject to review by the Authority.

## **ARTICLE V. WASTEWATER DISCHARGE PERMITS**

### **Section 5.1 Waste Survey**

When requested by the Authority, all nonresidential users must submit information on the nature and characteristics of their wastewater by completing a Waste Survey within thirty (30) days of the request. The Authority is authorized to prepare a form for this purpose and may periodically require Users to update the survey.

### **Section 5.2 Wastewater Discharge Permit Requirements**

- A. No Significant Industrial Users (SIU) shall discharge wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Authority, except when a Significant Industrial User has filed a timely permit application pursuant to paragraphs (B) and (C) of this section, then the SIU may continue to discharge for the time period specified therein.
- B. Any Significant Industrial User which discharges industrial wastewater into the POTW prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the Authority for a Wastewater Discharge Permit in accordance with Section 5.3 of this Article, and shall not cause or allow discharges to the POTW to continue after 180 days of the effective date of these Rules and Regulations except in accordance with a Wastewater Discharge Permit issued by the Authority.
- C. Any Significant Industrial User proposing to begin or recommence discharging industrial wastewater into the POTW must obtain a Wastewater Discharge Permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit shall be filed at least sixty (60) days prior to the date upon which any discharge is expected to begin.
- D. The Authority may require other nonresidential Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of these Rules and Regulations. In any case, the owner or his agent shall complete a permit application furnished by the Authority when requested.
- E. Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of these Rules and Regulations and subjects the User to the sanctions set out in Sections 8.1 and 8.2 of these Rules and Regulations. Obtaining a Wastewater Discharge Permit does not relieve the User of its obligation to comply with all Federal, State and local Pretreatment Standards or Requirements. Compliance with a Wastewater Discharge Permit will not be a defense for a User's failure to comply with applicable federal, state or local requirements.

### **Section 5.3 Wastewater Discharge Permit Application**

- A. Users required to obtain a Wastewater Discharge Permit shall complete and file with the Authority, an application in the form prescribed by the Authority, and accompanied by the required permit fee. In support of the application, the User shall submit in units and terms appropriate for evaluation, information including, but not limited to, the following:
  - 1. Name, address and location.

2. NAICS number, according to the *North American Industry Classification System, United States, 1997 Manual*, Office of Management and Budget.
  3. Description of activities, facilities and plant processes on the premises, including all materials used or stored at the facility, which are or could be discharged to the POTW.
  4. Water usage and disposal.
  5. Time and duration of contribution.
  6. Average daily and 30-minute peak wastewater flow rates, including daily, monthly and seasonal variations, if any.
  7. Each product produced by type, amount, process or processes, and rate of production.
  8. Type and amount of raw materials processed.
  9. Number and type of employees, hours of plant operation, and proposed or actual hours of operation of pretreatment system.
  10. Wastewater constituents and characteristics as determined by a reliable analytical laboratory. Sampling and analysis shall be performed in accordance with procedures contained in 40 CFR §136, as amended.
  11. Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, floor drains and appurtenances by size, location and elevation.
  12. Where known, the nature and concentration of any pollutants in the discharge which are limited by any local, State or Federal Pretreatment Standards, and a statement regarding whether or not the Pretreatment Standards are being met on a consistent basis, and if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required for the User to meet applicable Pretreatment Standards.
  13. If additional pretreatment and/or O&M will be required to meet the Pretreatment Standards; the shortest schedule by which the User will provide such additional pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard. A compliance schedule shall meet the requirements set out in Section 6.2 of these Rules and Regulations.
  14. If the User also has an NPDES permit for a Direct Discharge, a copy of the NPDES permit.
  15. Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.
  16. The permit application shall be signed by an authorized representative of the User.
- B. Applications that are incomplete or believed to be inaccurate will not be processed and will be returned to the User for revision.



#### **Section 5.4 Application and Reporting Signatories and Certification**

All Wastewater Discharge Permit applications and User reports must be signed by an authorized representative of the User and contain the following certification statement:

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

#### **Section 5.5 Wastewater Discharge Permit Decisions**

The Authority will evaluate the data furnished by the User and may require additional information. The Authority may request additional information, issue a Wastewater Discharge Permit or deny any application for a Wastewater Discharge Permit.

#### **Section 5.6 Wastewater Discharge Permit Conditions**

Wastewater Discharge Permits are hereby subject to all provisions of these Rules and Regulations and all other applicable regulations, User charges and fees established by the Authority. In addition, Wastewater Discharge Permits may include such conditions as are reasonably deemed necessary by the Authority to prevent pass through or interference, protect the quality of the water body receiving the treatment plant's effluent, protect worker health and safety, facilitate sludge management and disposal, protect ambient air quality and protect against damage to the POTW.

A. Wastewater Discharge Permits may contain the following conditions:

1. A statement that indicates the Wastewater Discharge Permit duration, which in no event shall exceed five (5) years.
2. A statement that the Wastewater Discharge Permit is nontransferable without prior notification to and approval from the Authority, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit.
3. Effluent limits based on applicable Pretreatment Standards.
4. Self-monitoring, sampling, reporting, notification and recordkeeping requirements. These requirements include an identification of pollutants to be monitored, sampling location, sampling frequency and sample type based on Federal, State and local law.
5. Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and Requirements, any applicable compliance schedule and any other requirement set forth in these Rules and Regulations. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State and local law.

6. Limits on average and/or maximum rate and time of discharge and/or requirements for flow regulations and equalization.
7. Limits on the average and/or maximum wastewater constituent concentrations, mass or other measure of identified wastewater pollutants or properties, and limits on the location of discharge points.
8. Requirements for the installation of pretreatment technology, pollution control or construction of appropriate containment devices, designed to reduce, eliminate or prevent the introduction of pollutants into the treatment works.
9. Development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated or non-routine discharges.
10. Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW.
11. The unit charge or schedule of User charges and fees for the management of the wastewater discharged to the POTW.
12. Requirements for the installation and proper operation and maintenance of a User 's treatment facility, inspection and sampling facilities, and other equipment; and notification to the Authority regarding the failure of such facilities and equipment.
13. Requirements for maintaining and affording Authority representatives, including contractors, access to a User's property and plant records relating to discharges.
14. Requirements for notification of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents.
15. A statement that compliance with the Wastewater Discharge Permit does not relieve the User of the responsibility for compliance with all applicable Pretreatment Standards, including those that become effective during the term of the Wastewater Discharge Permit.
16. Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations, and State and Federal laws, rules and regulations, or as otherwise deemed necessary to protect the POTW, sludge quality, human health and the environment.

### **Section 5.7 Wastewater Discharge Permit Issuance Process**

- A. **Permit Duration:** Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years from the effective date of the Permit. A Wastewater Discharge Permit may be issued for a period of less than five (5) years at the discretion of the Authority.
- B. **Public Notice:** The Authority shall provide public notice in the *Gettysburg Times* at least fourteen (14) days prior to issuance of a Wastewater Discharge Permit. The notice will indicate a location

where the draft/final Wastewater Discharge Permit may be reviewed, and an address where written comments may be submitted.

C. Permit Appeals: Any person, including the User, may petition the Authority to reconsider the terms of a Wastewater Discharge Permit within thirty (30) days of its issuance or modification. Such petition must be in writing and must clearly state all facts on which it relies.

1. Failure to submit a timely petition for review shall be deemed a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the Wastewater Discharge Permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the Wastewater Discharge Permit. If the appeal is for a modified permit, only the modified permit conditions shall be subject to appeal.
3. The effectiveness of the Wastewater Discharge Permit shall not be stayed pending the appeal.
4. If the Authority fails to initiate action to reconsider the decision within forty-five (45) days, a request for reconsideration shall be denied. Decisions not to reconsider a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit, shall be considered a final administrative action for purposes of judicial review.
5. Aggrieved parties seeking judicial review of final administrative Wastewater Discharge Permit decisions must do so by filing a complaint with the Court of Common Pleas for Adams County within thirty (30) days of the Authority's determination, or, within thirty (30) days of the expiration of the forty-five day period under paragraph (C)(4) of this section, as applicable.

D. Permit Modifications: The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Authority during the term of the permit for cause. Changes or new conditions in the Wastewater Discharge Permit may include a reasonable time schedule for compliance as authorized by applicable law and as determined by the Authority. Causes for modification to a permit include, but are not limited to, the following:

1. To incorporate any new or revised Federal, State or local Pretreatment Standards or Requirements.
2. To address alterations or additions to the User's operation, processes or wastewater volume or character since the time of Wastewater Discharge Permit issuance.
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
4. Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the Authority's POTW, Authority personnel or the receiving waters, or may place the Authority in violation of its NPDES permit.
5. Violation of any terms or conditions of the Wastewater Discharge Permit.

6. Misrepresentations or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or in any required reporting.
7. Revision of or a grant of variance from Categorical Standards pursuant to 40 CFR §403.13.
8. To correct typographical or other errors in the Wastewater Discharge Permit.
9. To reflect a transfer of the facility ownership and/or operation to a new owner/operator.
10. Any cause identified in paragraph (F)(1) of this section.

E. Permit Transfer:

1. Wastewater Discharge Permits are issued to a specific User for a specific operation. A Wastewater Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises or a new or changed operation without at least thirty (30) days advance notice to the Authority and Authority approval of the Wastewater Discharge Permit transfer. The notice to the Authority must include a written certification by the new owner and/or operator which:
  - (a) Provides the name and address of the facility including the name of the new owner and/or operator.
  - (b) States that the new owner and/or operator have no immediate intent to change the facility's operations and processes.
  - (c) Identifies the specific date on which the transfer is to occur.
  - (d) Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

In addition, any proposed transfer shall include a written agreement between the existing User and the new User regarding a proposed date for transfer of permit responsibility, coverage and liability between them.
2. Failure to provide advance notice of a transfer renders the Wastewater Discharge Permit void on the date of facility transfer.
3. The Authority may modify or terminate a transferred permit as set forth in paragraphs (D) and (F) of this section.

F. Permit Termination:

1. The Authority may revoke or terminate a Wastewater Discharge Permit for cause, including, but not limited to, the following reasons:
  - (a) Failure to notify the Authority of significant changes in the operation or wastewater volume, constituents and characteristics prior to discharge.

- (b) Failure to provide prior notification to the Authority of changed conditions pursuant to Section 6.5 of these Rules and Regulations.
  - (c) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application or reports.
  - (d) Falsifying monitoring reports.
  - (e) Tampering with monitoring equipment.
  - (f) Refusing to allow the Authority or its representative timely access to the facility premises and records.
  - (g) Failure to meet effluent limitations.
  - (h) Failure to timely pay fines.
  - (i) Failure to timely pay sewer rentals and charges.
  - (j) Failure to meet compliance schedules.
  - (k) Failure to complete a Waste Survey or Wastewater Discharge Permit application.
  - (l) Failure to provide advance notice of the transfer of a permitted facility.
  - (m) Violation of any Pretreatment Standard or Requirement, or any conditions of the Wastewater Discharge Permit or these Rules and Regulations.
  - (n) A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge.
  - (o) Information indicating that the permitted discharge, either singly or by interaction with other discharges, poses a threat to the Authority's POTW, Authority personnel or the receiving waters, or may place the Authority in violation of its NPDES Permit.
2. Wastewater Discharge Permits shall be void by the Authority for non-use, cessation of operations or transfer of business ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of a new Wastewater Discharge Permit to that User.
  3. A User may be notified of the proposed termination of its Wastewater Discharge.
- G. Permit Reissuance: Except as otherwise approved by the Authority, a User shall apply for permit reissuance a minimum of ninety (90) days prior to the expiration of the User's existing Wastewater Discharge Permit. Notwithstanding any other provision in these Rules and Regulations, if a User filed a timely and complete application, and, the Authority, through no fault of the User, has not reissued the Wastewater Discharge Permit prior to the expiration date, the conditions of the existing Wastewater Discharge Permit shall continue until such time the Authority has issued another permit.

## ARTICLE VI. INDUSTRIAL MONITORING AND REPORTING REQUIREMENTS

### Section 6.1 Baseline Monitoring Report (BMR)

- A. Within either 180 days after the effective date of a Federal Categorical Pretreatment Standard, or the final administrative decision on a category determination under 40 CFR §403.6(a)(4), whichever is later, existing Categorical Significant Industrial Users subject to such Categorical Standards, and currently discharging to or scheduled to discharge to the POTW, shall submit to the Authority a Baseline Monitoring Report (BMR), which contains the information listed in 40 CFR §403.12(b) and paragraph (B) of this section. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Categorical SIUs subsequent to the promulgation of an applicable Categorical Standard, shall submit to the Authority a BMR which contains the information listed in 40 CFR §403.12(b) and paragraph (B) of this section. A new source shall report the method of pretreatment it intends to use to meet applicable Categorical Standards, and shall also provide estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Categorical SIUs shall submit the following information for a BMR:
1. The name and address of the facility, including the name of the operator and owner.
  2. A list of any environmental control permits held by or for the facility.
  3. A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by the Categorical SIU. This description should include a schematic process diagram, which indicates points of discharge to the POTW from the regulated processes.
  4. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process waste streams and other waste streams, as necessary, to allow use of the combined waste stream formula, as established in 40 CFR §403.6(e).
  5. The Federal Categorical Pretreatment Standards applicable to each regulated process and the results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the Categorical Standard or by the Authority, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum and long-term average concentrations, or mass, where required, shall be reported. At least one sample representative of daily operations shall be provided with the BMR and shall be analyzed in accordance with procedures found in Section 6.8(B) of these Rules and Regulations. Sampling shall be performed in accordance with procedures found in Section 6.8(A) of these Rules and Regulations. The BMR shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the POTW.
  6. For existing sources, a certification statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether Pretreatment Standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the

### Pretreatment Standards and Requirements.

7. For existing sources, if additional pretreatment and/or O&M will be required to meet the Pretreatment Standards and Requirements, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard or Requirement. A compliance schedule shall meet the requirements set out in Section 6.2 of these Rules and Regulations.
8. All BMRs shall be signed and certified in accordance with Section 5.4 of these Rules and Regulations.

### **Section 6.2 Compliance Schedule Progress Report**

The following conditions shall apply to the schedule required by Sections 5.3(A)(13) and 6.1(B)(7) of these Rules and Regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the User to meet the applicable Pretreatment Standards and Requirements. 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 in paragraph (A) of this section shall exceed nine (9) months.
- C. The User shall submit a progress report to the Authority no later than fourteen (14) days following each date in the schedule and the final date of compliance, including, as a minimum, whether or not it complied with the increment of progress to be met on such date, and if not, the date on which it expects to comply with this increment of progress, the reason for the delay, and the steps being taken by the User to return to the established schedule.
- D. In no event shall more than nine (9) months elapse between such progress reports to the Authority.

### **Section 6.3 Reports on Compliance with Categorical Pretreatment Standard Deadline**

Within ninety (90) days following the date for final compliance with applicable Categorical Standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any User subject to such Pretreatment Standards and Requirements shall submit to the Authority a report containing the information described in Section 6.1(B)(4) through (6) of these Rules and Regulations. For Users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR §403.6(c), this report shall contain a reasonable measure of the User's long-term production rate. For all other Users subject to Categorical 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 shall be signed and certified in accordance with Section 5.4 of these Rules and Regulations.

#### **Section 6.4 Periodic Compliance Reports**

- A. All Significant Industrial Users subject to a Categorical Standard or any other Pretreatment Standard shall submit Periodic Compliance Reports to the Authority in accordance with 40 CFR §403.12(e), (g) and (h), as applicable, during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Authority, indicating the nature and concentration of pollutants in the discharge which are limited by such Pretreatment Standards. Both daily maximum and average concentrations shall be reported. In addition, the report shall include a record of the measured or estimated average and maximum daily flows for the reporting period. At the discretion of the Authority and in consideration of such factors as local high and low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports are to be submitted. All periodic compliance reports shall be signed and certified in accordance with Section 5.4 of these Rules and Regulations.
- B. The Authority may impose mass limitations on Users where the imposition of mass limitations is deemed appropriate. In such cases, the report required by paragraph (A) of this section shall indicate the mass of pollutants regulated by Pretreatment Standards in the effluent of the User. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass, where requested by the Authority, of pollutants contained therein which are limited by the applicable Pretreatment Standards. The frequency of monitoring shall be as prescribed in the applicable Pretreatment Standard or by the Authority.
- C. Categorical Industrial Users subject to equivalent mass or concentration limits established by the Authority, in accordance with 40 CFR §403.6(c), shall include in the periodic compliance report a reasonable measure of the User's long-term production rate. Categorical Industrial Users subject to Federal Categorical Pretreatment Standards, which are expressed only in terms of allowable pollutant discharge per unit of production (or other measure of operation), shall include in the periodic compliance report the User's actual average production rate for the reporting period.

#### **Section 6.5 Report of Changed Conditions**

- A. Each User shall notify the Authority of any planned, significant changes to the User's operation or system, which might alter the nature, quality or volume of its wastewater at least thirty (30) days before the change occurs. This notification requirement includes anticipated changes in User production, which can reasonably be expected to impact the POTW.
- B. The Authority may require the User to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a Wastewater Discharge Permit application under Section 5.3 of these Rules and Regulations.
- C. The Authority may issue a Wastewater Discharge Permit under Section 5.5 of these Rules and Regulations or modify an existing Wastewater Discharge Permit under Section 5.7(D) of these Rules and Regulations in response to changed conditions or anticipated changed conditions.
- D. No User shall implement the planned changed condition(s) until and unless the Authority has responded to the User's notice. The Authority may require the User to undertake a compatibility study to demonstrate to the satisfaction of the Authority that the wastewater to be discharged is compatible with the POTW, will not affect any requirements imposed upon the Authority



(including sludge disposal requirements), and will not otherwise adversely affect the POTW treatment plant.

- E. For purposes of this requirement, significant changes include, but are not limited to, flow increases of ten percent (10%) or greater, and the discharge of any previously unreported pollutants.

### **Section 6.6 Report of Potential Problems**

- A. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge which may cause potential problems for the POTW or a slug load, the User shall immediately telephone and notify the Authority of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the User. The notification hereunder does not authorize or otherwise condone a discharge in violation of these Rules and Regulations, a Wastewater Discharge Permit or other applicable Federal, State or local requirements.
- B. Within five (5) days following such discharge, the User shall, unless waived by the Authority, submit a detailed written report describing the cause(s) of the discharge and the measures taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expense, damage, loss or other liability which may be incurred as a result of damage to the POTW, natural resources or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties or other liability which may be imposed by these Rules and Regulations or other applicable law. The written report shall be signed by an authorized representative of the User.
- C. A notice shall be permanently posted on the User's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in paragraph (A) of this section. Employers shall ensure that all employees, who may cause such a discharge to occur, are advised of the emergency notification procedure.

### **Section 6.7 Compliance Monitoring**

- A. **Sample Collection:** Samples for Cyanide, Oil and Grease, pH, Phenols, Sulfides, Temperature and Volatile Organic Chemicals shall be obtained using grab collection techniques. Grab samples may also be used for any pollutant subject to an instantaneous maximum limitation. All other wastewater compliance monitoring samples shall be collected using flow proportioned composite collection techniques. In the event flow proportioned sampling is not feasible, the Authority may authorize the use of time proportional sampling or grab samples where the User demonstrates that the grab samples will provide a representative sample of the effluent being discharged. If grab samples are used for BMR reporting under Section 6.1 of these Rules and Regulations, a minimum of four (4) grab samples must be used.
- B. **Analytical Requirements:** All pollutant analyses, including sampling techniques, to be submitted as a part of a Wastewater Discharge Permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR §136, as amended, unless otherwise specified in an

applicable Federal Categorical Pretreatment Standard. If 40 CFR §136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the Authority and EPA.

- C. **Representative Sampling:** All wastewater samples shall 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 his monitoring facility in good working order shall not be grounds for the User to claim the sample results are unrepresentative of the discharge.
- D. **Sampling Frequency:** The User shall ensure that an adequate number of samples are collected and analyzed to determine that the process discharge equipment is operating properly and that the wastewater discharge does not violate pretreatment effluent limitations. Except as otherwise provided, Significant Industrial User sampling for determining compliance shall be collected at least once every six months and analyzed for applicable pollutants. The Authority reserves the right to require sampling more frequently than set forth herein.
- E. **Reporting of Increased Sampling Results:** If a User subject to the reporting requirements of these Rules and Regulations or a Wastewater Discharge Permit monitors any pollutant more frequently than required by the Authority, using the procedures prescribed in paragraph (B) of this section, results of this monitoring shall be included in a periodic compliance report.
- F. **Repeat Sampling and Reporting:** If sampling performed by a User indicates a violation, the User shall notify the Authority within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the Authority within thirty (30) days after becoming aware of the violation. The Authority may waive the resampling requirement if the Authority monitors the User's wastewater discharge at least once a month, or if the Authority samples between the User's initial sampling and when the User receives the results of this sampling.
- G. **Recordkeeping:** Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records and information obtained pursuant to any monitoring activities required by these Rules and Regulations and any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements. Records shall include the date, exact place, method, time of sampling and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User, or where the User has been notified, by the Authority, of a longer retention period.
- H. **Right of Entry:** The Authority shall have the right to enter the premises of any User to ascertain whether the User is complying with all requirements of these Rules and Regulations and any Wastewater Discharge Permit issued hereunder. Users shall allow the Authority, or its representative, ready access during all working hours to all parts of the premises for the purposes of inspection, sampling, measurement, testing, records examination and copying, or as necessary for the performance of any additional duties. Where a User has security measures in force, which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the Authority, or its representatives, will be permitted to enter without delay for the

purposes of performing specific responsibilities.

- I. Inspection and Sampling: The Authority shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations as follows:
1. The Authority may require the User to install monitoring facilities, as necessary, to allow inspection, sampling and flow measurement of the building sewer and/or internal drainage systems. The monitoring equipment should normally be situated on the User's premises, but the Authority may, in its sole discretion, when such a location would be impractical or cause undue hardship on the User, allow the facility to be constructed in the public street or sidewalk area and located so as not to be obstructed by landscaping or parked vehicles. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the Authority and shall not be replaced. The costs of clearing such access shall be borne by the User.
  2. A monitoring structure shall be constructed at a site and in a manner as approved by the Authority. The Authority may require that the monitoring structure be equipped with permanent-type flow measuring, sampling, monitoring, controlling or other devices of a type approved by the Authority. Plans and specifications for the construction of the monitoring structure and all required devices shall be submitted to and approved by the Authority prior to beginning construction.
  3. The User shall, upon notification from the Authority, install, maintain and operate a flow monitoring system with a totalizer and any necessary appurtenances required to make the system functional. The User shall, upon notification from the Authority, install, maintain and operate automatic sampling equipment.
  4. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy. There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis.
- J. Search Warrants: If the Authority has been refused access to a building, structure or property or any part thereof, and if the Authority has demonstrated probable cause to believe that a violation of these Rules and Regulations exists, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program of the Authority designed to verify compliance with these Rules and Regulations or a Wastewater Discharge Permit issued hereunder, or to protect the overall health, safety and welfare of the community, then the Authority may seek issuance of a search warrant from the Court of Common Pleas of Adams County. Such search warrant shall be served at reasonable hours by the Authority in the company of a law enforcement officer. In the event of an emergency affecting the public health and safety, inspections shall be made without the issuance of a warrant.

## **Section 6.8 Public Notification**

The Authority may publish on an annual basis, or more frequent basis as it deems appropriate, a list of the

Users which are in Significant Noncompliance (SNC) with applicable Pretreatment Standards or Requirements during the previous twelve (12) months. The Authority shall not be liable for any damages of any sort, suffered by any User or owner as a result of such publication. Nor shall the Authority incur any liability through publication of incorrect information where such information was believed accurate when published or was the result of administrative or typographical error. The term Significant Noncompliance is defined as the following:

- A. Chronic violations of wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of the wastewater measurements taken during a 6-month period exceed the daily maximum limit or the average monthly limit for the same pollutant parameter by any amount.
- B. Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of the wastewater measurements taken for each pollutant parameter during a 6-month period equal or exceed the product of the daily maximum limit or the average monthly limit multiplied by the applicable criteria (TRC = 1.4 for BOD, Oil and Grease and TSS, and 1.2 for all other pollutants except pH).
- C. Any other discharge violation that the Authority determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Authority personnel or the general public.
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the Authority's exercise of its emergency authority to halt or prevent such a discharge.
- E. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit for starting construction, completing construction or attaining final compliance.
- F. Failure to provide, within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with Categorical Standard deadlines, periodic compliance reports and reports on compliance with compliance schedules.
- G. Failure to accurately report noncompliance.
- H. Any violation(s), which the Authority determines will adversely affect the operation or implementation of the Authority's Industrial Pretreatment Program.

## **Section 6.9 Duty To Provide Information**

The Industrial User shall furnish the Authority, within a reasonable time, any information which the Authority may request to determine whether cause exists for modifying, reissuing, suspending or terminating a Wastewater Discharge Permit, or to determine User pretreatment compliance. The User shall also furnish to the Authority upon request, copies of any records required under these Rules and Regulations. Where the User becomes aware that it failed to submit any relevant facts in an application for a Wastewater Discharge Permit, or submitted incorrect information in an application for a Wastewater Discharge Permit, a report to the Authority or in any other correspondence pertaining to its industrial wastewater discharge, it shall promptly submit such facts or information.

## **Section 6.10 Confidential Information**

Information and data on a User obtained from reports, surveys, Wastewater Discharge Permit applications, Wastewater Discharge Permits and monitoring programs, and from inspections shall be available to the public or other governmental agencies in accordance with the Pennsylvania Right to Know Law.

Notwithstanding the provisions of the Pennsylvania Right to Know Law, information shall be made available immediately upon request to governmental agencies for uses related to the NPDES Program and in enforcement proceedings involving the User furnishing the report. Wastewater constituents and characteristics as defined by 40 CFR §2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **ARTICLE VII. RENTALS, FEES AND CHARGES**

### **Section 7.1 Connection Charges and Tapping Fees**

Connection and Tapping Fee charges (pursuant to Act 57 of 2003) are imposed for each connection made to the Water and/or Sewer System. Such fees shall be based on the adopted Fee Schedule at the time of payment and shall be payable at the time of application for connection or at such other time as the owner and the Authority agree or in the case of projects to service existing development, such fees shall be payable at a time to be determined by the Authority. The fees are in addition to any charges assessed against the property for construction of a water or sewer main by the Authority as well as any water or sewer rentals imposed by the Authority.

These fees may consist of any or all of the following components as applicable:

- A. **Connection Fee:** A Connection Fee shall be based on the actual cost of the connection of the property extending from the Authority's water or sewer main to the property line or curb stop of the property so connected. The Connection Fee may also be based on the average cost of previously installed connections of similar type and size.
- B. **Customer Facilities Fee:** A Customer Facilities Fee shall be based on the actual cost of facilities serving the connected property from the property line or curb stop to the proposed building to be served and is chargeable only if the Authority installs the customer facilities. In the case of water service, the Customer Facilities Fee may include the cost of a water meter and its installation if performed by the Authority. In the case of sewer service, if the property is not equipped with a water meter, the Customer Facilities Fee may include the cost of a wastewater flow meter and its installation if performed by the Authority.
- C. **Tapping Fee:** A Tapping Fee shall be based on all of the following fee components as applicable:
  - 1. **Capacity Part:** The Capacity Part of the Tapping Fee shall be based upon the cost of such facilities, including, but not limited to, source of supply, treatment, pumping, transmission, trunk, interceptor and outfall mains, storage, sludge treatment or disposal, interconnection or other general system facilities. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost and may only be taken into consideration if the Authority has taken action to construct or acquire such facilities.
  - 2. **Collection Part:** The Collection Part of the Tapping Fee shall be based on the cost of water distribution or wastewater collection facilities required to provide service, such as mains, hydrants and pump stations. This fee may include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost.
  - 3. **Special Purpose Part:** The Special Purpose Part of the Tapping Fee shall be applicable only to a particular group of customers, serving a particular purpose, or serving a specific area, and is based on the cost of such facilities, including, but not limited to, booster pump stations, fire service facilities and industrial wastewater treatment facilities. This fee may

include facilities that provide existing service and/or those that will provide future service. The cost of existing facilities is based on their replacement cost. The cost of future facilities shall not exceed their reasonable estimated cost.

4. Reimbursement Part: The Reimbursement Part of the Tapping Fee shall be imposed only in those cases where it is necessary to recover costs to reimburse property owners at whose expense such facilities were constructed, as provided in Act 57 of 2003.

## **Section 7.2 Sewer Rentals**

Sewer rentals are imposed upon and shall be collected from the owner of each improved property which is located within the Service Area and is connected to the Sewer System. Sewer rentals are based on either metered water consumption or metered wastewater discharge. The sewer rental rates shall be those in effect at the time of billing. The Authority may, from time to time, adopt by separate Resolution, changes to the sewer rental rates.

Effective September 1, 2010, Borough sewer customers will be charged \$59.50 per 2-month billing period. Any overages exceeding 10,000 gallons per 2-month billing period will be charged \$3.25 per 1,000 gallons. Oxford Township continues to be assessed a bulk sewer rate every 2-months based on Operation and Maintenance and administrative expenses, and the Township's proportional flow to the New Oxford Municipal Authority Wastewater Treatment Plant.

## **Section 7.3 Water Rentals**

Water rentals are imposed upon and shall be collected from the owner of each improved property, which is connected to the Water System. Water rentals are based on metered water consumption. The water rental rates shall be those in effect at the time of billing. The Authority may, from time to time, adopt by separate Resolution, changes to the water rental rates.

Effective July 1, 2013, Borough water customers will be charged \$30.70 per 2-month billing period while Oxford Township water customers will be charged \$30.70 per 2-month billing period. Any overages exceeding 10,000 gallons per 2-month billing period will be charged \$3.07 per 1,000 gallons. This overage applies to both Borough and Township customers.

## **Section 7.4 Water Turn-on Fee**

A Water Turn-on Fee for any property within the Water System is Fifty Dollars (\$50.00). This fee is applicable in cases where water service has been turned off at the request of the customer or where the Authority has authorized the water service to be turned off for cause. This fee is in addition to any other charges or costs incurred as a result of the water being turned off.

## **Section 7.5 Payment of Billings**

Starting on January 1, 2010, the water and sewer billings imposed by these Rules and Regulations shall be combined into one billing statement and shall be billed on a bi-monthly basis as follows: January 1, March 1, May 1, July 1, September 1, and November 1. The combined bill is payable within twenty-eight (28) days after the billing date.

If a water/sewer bill is not paid within twenty-eight (28) days after the billing date, a ten percent (10%) late fee on the current unpaid amount shall be added to the combined bill to be paid by the customer. Upon entry of any lien, interest at a rate of ten percent (10%) per annum will be assessed on the lien amount pursuant to the Municipal Claims and Tax Lien Law, as amended.

Failure of any customer to receive the bi-monthly water and sewer bill will not excuse non-payment of said bill and shall not result in an extension of time during which the bill shall be paid.

The owner of the property receiving water and/or sewer shall be billed and responsible for payment.

**Section 7.6 Delinquent Bills**

Upon the expiration of the twenty-eight (28) day payment period, all delinquent bills for sewer and/or water shall be turned over to the Authority Solicitor for collection. All unpaid bills shall become a lien on the property and entered pursuant to the Municipal Claim and Tax Lien Law, as amended, and shall include all penalties, interest as aforesaid, costs of lien and attorney’s fees, including, but not limited, to the following:

**New Oxford Municipal Authority Fee Schedule  
Relating to the Collection of Delinquent Accounts:**

- |  |   |
|--|---|
| <p><b>1.</b> Thirty (30) day collection letter to a single owner of a property. The collection letter fee shall include the cost of postage and will be assessed to an owner of a property for each occurrence of a delinquency for which a collection letter was sent to the owner.</p> | <p>\$20.00 plus an additional \$20.00 for each additional owner notification thereafter</p> |
| <p><b>2.</b> Ten (10) day notice letter. The collection letter fee shall include the cost of postage and will be assessed to an owner of the property.</p>   | <p>\$12.00 per notice</p>   |
| <p><b>3.</b> Drafting and filing of Municipal Claim</p>  | <p>\$175.00 plus filing costs</p>   |
| <p><b>4.</b> Title Search</p>  | <p>\$150.00 per search</p>  |
| <p><b>5.</b> Writ of Scire Facias</p>  | <p>\$125.00 plus filing costs</p>   |
| <p><b>6.</b> Ten (10) day Notice of Default</p>  | <p>\$50.00</p>  |
| <p><b>7.</b> Response to Affidavit of Defense filed by delinquent owner(s)</p>   | <p>\$180.00 per hour</p>  |
| <p><b>8.</b> Judgment Documents (Inclusive)</p> <ul style="list-style-type: none"> <li>a. Praecipe of Judgment</li> <li>b. Notice of Filing Judgment</li> <li>c. Affidavit of Non-Military Service</li> </ul>  | <p>\$150.00 plus filing</p>   |
| <p><b>9.</b> Sheriff Sale Execution Documents (Inclusive)</p>  | <p>\$300.00 plus filing</p>   |



|  |                                      |
|--|--------------------------------------|
| a. Praecipe of Writ Execution                                  | costs                                |
| b. Rule 3129 Notice  |                                      |
| c. Affidavit of Service to lienholder                          |                                      |
| d. Notice of Sheriff Sale                                      |                                      |
| e. Preparation of Property description                         |                                      |
| f. Complete of applicable Sheriff's forms                      |                                      |
| <b>10. Attorney attendance at a Sheriff's Sale</b>             | <b>\$400.00</b>                      |
| <b>11. Preparation of statement of value post Sheriff Sale</b> | <b>\$50.00</b>                       |
| <b>12. Preparation of Motion for Alternative Service</b>       | <b>\$125.00 plus costs of Notice</b> |
| <b>13. Satisfaction of Municipal Claim</b>                     | <b>\$50.00</b>                       |
| <b>14. Agreement for a Payment Plan</b>                        | <b>\$75.00</b>                       |

In addition to the aforementioned procedures, the Authority retains the right to terminate water service in the manner as provided by law.

**Section 7.7 Abatement of Bills**

The Authority does not permit any abatement from water and/or sewer rentals due to vacancies of a serviced property.

**Section 7.8 Water Excluded From Sewer System**

Exclusion of non-process, non-sanitary waters from the Sewer System not requiring treatment is required in Section 4.2 of these Rules and Regulations. When such wastewaters are not discharged to the Sewer System, sewer rentals shall be based on total water consumption less the water not discharged to the Sewer System. Metering of such excluded waters is required.

**Section 7.9 Waste Surcharge**

- A. Initial Survey: The Authority may make an initial survey of the discharge from nonresidential establishments to determine the applicability of the surcharge. The survey shall consist of suitable sampling and analysis of the wastewaters for three (3) consecutive days during a period of normal industrial or commercial operation. Based on the survey results, the Authority may institute the surcharge and/or require the owner to provide such tests, equipment and information, which will provide a further basis for determination of the surcharge.
- B. Frequency of Surcharge Monitoring: Following the initial survey, the Authority shall determine whether monthly monitoring shall be conducted or whether standard waste strengths based on a waste classification system established for similar operations may be imposed. Site-specific

monitoring shall consist of no less than three (3) samples per quarter, preferably one (1) sample per month.

C. **Data To Determine Surcharge:** The surcharge shall be based on the volume of wastewater used for billing purposes, for the appropriate period, and the concentration of surchargeable pollutants measured in a composite sample taken over the duration of the discharge or 24 hours, whichever is shorter. In lieu of monitoring at certain nonresidential establishments for which waste strength characteristics have been established, the published concentrations may be used if agreed upon by both the Authority and the User. The cost of obtaining all information required to determine the surcharge shall be borne by the User. This includes, but not by way of limitation, the costs of sample collection, flow measurement, laboratory analysis and engineering analysis. In establishing pollutant concentrations for surcharge purposes, all analytical and sampling procedures shall be conducted in accordance with 40 CFR §136, as amended.

D. **Surcharge Limits and Calculation:** Although the wastewater treatment facilities may be capable of treating industrial wastewater in excess of typical domestic wastewater concentrations, the actual treatment of such wastewaters may increase the cost of operating and maintaining the wastewater treatment facilities. Therefore, a surcharge shall be imposed on each User discharging wastewater in excess of the concentrations provided below:

|                                       |          |
|---------------------------------------|----------|
| Biochemical Oxygen Demand (BOD)       | 250 mg/L |
| Ammonia Nitrogen (NH <sub>3</sub> -N) | 25 mg/L  |
| Total Phosphorus (Total P)            | 12 mg/L  |
| Total Suspended Solids (TSS)          | 250 mg/L |

The surcharge shall be calculated according to the following formula:

$$S = 8.34 \times Q \times \{[(BOD-250 \times T_{BOD}) + [(NH_3-N-25) \times T_{NH_3-N}] + [(P-12) \times T_P] + [(TSS-250 \times T_{TSS})]$$

Where:

|                    |   |   |
|--------------------|---|---|
| S                  | = | Surcharge Cost  |
| 8.34               | = | Constant to convert wastewater strength expressed in mg/L to pounds   |
| Q                  | = | Quarterly user flow, MG   |
| BOD                | = | User quarterly average BOD concentration, mg/L  |
| T <sub>BOD</sub>   | = | Cost to treat one pound of BOD; determined annually based on actual O&M costs and adopted by Resolution of the Authority                |
| NH <sub>3</sub> -N | = | User quarterly average NH <sub>3</sub> -N concentration, mg/L   |
| T <sub>NH3-N</sub> | = | Cost to treat one pound of NH <sub>3</sub> -N; determined annually based on actual O&M costs and adopted by Resolution of the Authority |
| P                  | = | User quarterly average P concentration, mg/L  |
| T <sub>P</sub>     | = | Cost to treat one pound of P; determined annually based on actual O&M costs and adopted by Resolution of the Authority                  |
| TSS                | = | User quarterly average TSS concentration, mg/L  |
| T <sub>TSS</sub>   | = | Cost to treat one pound of TSS; determined annually based on actual O&M costs and adopted by Resolution of the Authority                |

When a User's quarterly average concentrations for BOD, NH<sub>3</sub>-N, Total P and TSS are less than the surcharge levels stipulated above, the surcharge concentration shall be used in the surcharge formula.

E. **Surcharges shall also be assessed for other pollutants not listed above when these pollutants are**

listed and limited by a Wastewater Discharge Permit. Surcharge rates shall be as determined by the Authority.

#### **Section 7.10 Pretreatment Charges and Fees**

The Authority may adopt charges and fees for reimbursement of costs for the development, implementation and operation of the Authority's Industrial Pretreatment Program as follows:

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

## ARTICLE VIII. ENFORCEMENT

### Section 8.1 Administrative Remedies

- A. Notice of Violation: When the Authority finds that a User has violated, or continues to violate these Rules and Regulations or a Wastewater Discharge Permit issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may issue a written Notice of Violation to the User. Within ten (10) days of the receipt of the Notice of Violation (or such other time as provided by the Authority), an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Authority. Submission of this plan in no way relieves the User of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the Authority to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- B. Termination of Water and/or Sewer Service: The Authority may immediately suspend a User's discharge, after notice to the User, whenever such suspension is necessary to stop an actual or threatened discharge which reasonably appears to present or cause an imminent or substantial endangerment to the health or welfare of persons. The Authority may also immediately suspend, after notice and opportunity to respond, a User's discharge that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

Any User notified of a suspension of its discharge shall immediately stop or eliminate the discharge to the POTW. In the event of a User's failure to immediately comply voluntarily with the termination order, the Authority shall take steps, as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, the receiving stream or endangerment to any persons. The Authority shall allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Authority that the period of endangerment has passed, unless the termination proceedings set forth in Section 5.7(F) of these Rules and Regulations are initiated against the User.

A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit to the Authority within five (5) days of the date of occurrence, a detailed written statement describing the causes of the harmful discharge and the measures taken to prevent any future occurrence.

### Section 8.2 Judicial Remedies

- A. Injunctive Relief: When the Authority finds that a User has violated, or continues to violate these Rules and Regulations or a Wastewater Discharge Permit issued hereunder, or any other Pretreatment Standard or Requirement, or determines that the discharge from a User presents imminent or substantial harm to the POTW or the public, the discharge from the User causes the POTW to violate any condition of its NPDES permit, or the User has shown a lack of ability or intention to comply with a Pretreatment Standard, the Authority may petition the Court of Common Pleas for Adams County through the Authority Solicitor for the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit or other requirement imposed by these Rules and Regulations,

on the activities of the User.

- B. **Civil Remedies:** When the Authority finds that a User has violated, or continues to violate, these Rules and Regulations or a Wastewater Discharge Permit issued hereunder, or any other Pretreatment Standard or Requirement, the Authority may recover costs for reestablishing the operation of the POTW, cost for reasonable attorney's fees, court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Authority. In addition, the Authority may petition the appropriate court through the Authority Solicitor for the issuance of a temporary or permanent injunction, which restrains or compels the specific performance of the Wastewater Discharge Permit or other requirement imposed by these Rules and Regulations, on the activities of the User.
- C. **Criminal Prosecution:** Any User that has willfully or negligently violated, or continues to violate these Rules and Regulations or a Wastewater Discharge Permit issued hereunder, or any other Pretreatment Standard or Requirement, may be subject to criminal liability under Federal, State and/or local law.
- D. **Falsifying Information:** Any User who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations or Wastewater Discharge Permit, or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations may be subject to criminal liability under Federal, State and/or local law.
- E. **Violations and Penalties:** Any person, firm or corporation or association violating these Rules and Regulations or failing to comply therewith shall, upon conviction thereof, be fined not less than \$25.00 and not more than \$1000.00, plus costs of prosecution, and, in default of payment thereof, shall be imprisoned for not more than 30 days. Each continuing day of violation of these Rules and Regulations shall constitute a separate offense.

### **Section 8.3 Affirmative Defenses**

- A. **Treatment Upsets:** For the purposes of this section, "Upset" means an exceptional incident in which there is unintentional and temporary noncompliance with Categorical 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. An Upset shall constitute an affirmative defense to an action brought for noncompliance with Categorical Standards if the requirements below are met. A User who wishes to establish the affirmative defense of Upset shall demonstrate, through properly signed, contemporaneous operating logs or other relevant evidence that an Upset occurred and the User can identify the cause(s) of the Upset; the facility was at the time being operated in a prudent and workmanlike manner and in compliance with applicable operation and maintenance procedures; and the User has submitted the following information to the POTW within 24 hours of becoming aware of the Upset. If this information is provided orally, a written submission must be provided within five (5) 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.

3. Steps being taken and/or planned to reduce, eliminate and prevent recurrence of the noncompliance.

In any enforcement proceeding, the User seeking to establish the occurrence of an Upset shall have the burden of proof. A User will have the opportunity for a judicial determination on any claim of Upset only in an enforcement action brought for noncompliance with Categorical Standards. The User shall control production of all discharges to the extent necessary to maintain compliance with Categorical 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.

- B. Treatment Bypasses: For the purposes of this Section, "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities, which causes them to be inoperable, or substantial and permanent loss of natural resources, which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.

A User may allow a bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it is for essential maintenance to ensure efficient operation of the treatment system. Users anticipating a bypass must submit notice to the Authority at least ten (10) days in advance, if possible. Users shall provide oral notice to the Authority within 24 hours of discovery of an unanticipated bypass that exceeds applicable Pretreatment Standards. Users shall submit a written report to the Authority within five (5) days of becoming aware of the bypass. The written report shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps being taken or planned to reduce, eliminate and prevent recurrence of the bypass. The Authority may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

A bypass of the treatment system is prohibited and the Authority may take enforcement action against a User for a bypass unless the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage; there is no feasible alternative to the bypass, including the use of auxiliary treatment facilities, retention of untreated wastewater, or maintenance during normal periods of equipment downtime; and the User properly notifies the Authority as described in this section.

## **ARTICLE IX. MISCELLANEOUS PROVISIONS**

### **Section 9.1      Reservation of Rights**

Notwithstanding any other pretreatment provision to the contrary, nothing in these Rules and Regulations shall be deemed to be a legally binding commitment under the Clean Water Act, (33 U.S.C. §1251 et seq.), the Clean Streams Law, (35 Pa. Stat. §§691.1 et seq.) and applicable regulations (e.g., 40 CFR §403, Title 25 Pa. Code) for the Authority to undertake pretreatment implementation or enforcement activities beyond the minimum otherwise required by federal and state laws and regulations. Authority implementation of pretreatment provisions for Significant Industrial Users will be reflected in a Wastewater Discharge Permit, as provided for by Section 5.2 of these Rules and Regulations. Nevertheless, the Authority maintains its discretionary authority to undertake pretreatment activities beyond the minimum required.

### **Section 9.2      Amendments**

The Authority reserves the right to change or amend, from time to time, these Rules and Regulations in accordance with law. No officer or employee of the Authority can vary these Rules and Regulations without action of the Authority Board, and the Authority may not be bound by any agent or employee's act or representation, except when authorized in writing by an executive officer of the Authority Board.

### **Section 9.3      Severability**

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

### **Section 9.4      Repealer**

All other Rules and Regulations and Resolutions and parts of other Rules and Regulations and Resolutions inconsistent or conflicting with any part of these Rules and Regulations are hereby repealed to the extent of such inconsistency or conflict.

### **Section 9.5      Effective Date**

These Rules and Regulations shall take effect on September 30, 2013.