

**EASTON AREA JOINT SEWER AUTHORITY**

Resolution No. 1998-10-19-A

**ADOPTING**

**PRETREATMENT PROGRAM**  
**POLICY, RULES AND REGULATIONS**

OCTOBER 19, 1998

UPDATED  
JULY 19, 1999

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## RESOLUTION NO.

### A RESOLUTION

**AMENDING AND RESTATING THE UNIFORM REQUIREMENTS FOR DIRECT AND INDIRECT CONTRIBUTORS INTO THE SEWAGE SYSTEM AND TREATMENT PLANT OF THE EASTON AREA JOINT SEWER AUTHORITY;**

**PROVIDING FOR WASTEWATER DISCHARGE PERMITS AND PAYMENT OF FEES;**

**PROVIDING FOR THE ADMINISTRATION OF THE REGULATIONS AND FOR THE ENFORCEMENT AND IMPOSITION OF PENALTIES FOR VIOLATION OF THOSE REGULATIONS; AND**

**ENSURING COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAWS.**

**BE IT HEREBY RESOLVED**, by the Easton Area Joint Sewer Authority as follows:

#### **SECTION 1 - GENERAL PROVISIONS**

##### 1.1 Purpose and Policy

This Resolution sets forth uniform requirements for Users of the Publicly Owned Treatment Works of the **Easton Area Joint Sewer Authority** and enables the **Control Authority** to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Resolution are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater, sludge and incinerator waste, in the course of their employment and the general public;
- (4) To promote reuse and recycling of industrial Wastewater from the Publicly Owned Treatment Works;

- (5) To provide for fees for the equitable distribution of the cost of operation, maintenance, and improvement of the Publicly Owned Treatment Works; and
- (6) To enable the Control Authority to comply with its National Pollutant Discharge Elimination System permit conditions, incinerator discharge and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

## 1.2 Administration

This Resolution provides for the regulation of all Users of the Publicly Owned Treatment Works through the issuance of Wastewater Discharge Permits and through enforcement of general requirements applicable to all Users; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires User reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

This Resolution shall apply to all persons outside the jurisdiction of the Control Authority who are, by contract or agreement with the Control Authority, Users of the Publicly Owned Treatment Works of the Control Authority. Except as otherwise provided herein, the Industrial Pretreatment Coordinator of the Control Authority shall administer, implement, and enforce the provisions of this Resolution. Any powers granted to or duties imposed upon the Industrial Pretreatment Coordinator may be delegated by the Industrial Pretreatment Coordinator to other Control Authority personnel.

## 1.3 Abbreviations and Acronyms

The following abbreviations and acronyms, when used in this Resolution, shall have the designated meanings:

BOD	-	Biochemical Oxygen Demand
CFR	-	Code of Federal Regulations
COD	-	Chemical Oxygen Demand
EPA	-	U.S. Environmental Protection Agency
gpd	-	gallons per day
mg/l	-	milligrams per liter
NPDES	-	National Pollutant Discharge Elimination System
PaDEP	-	Pennsylvania Department of Environmental Protection
POTW	-	Publicly Owned Treatment Works
RCRA	-	Resource Conservation and Recovery Act
SIC	-	Standard Industrial Classification
TSS	-	Total Suspended Solids
USC	-	United States Code

## 1.4 Definitions

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

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

- (2) Administrator or "the Administrator". The Administrator of the U.S. Environmental Protection Agency.
- (3) Approval Authority. Director in an NPDES State with an approved State Pretreatment Program and the appropriate Regional Administrator in an Non-NPDES State or NPDES State without an approved State Pretreatment Program.
- (4) Authorized Representative of the User.
  - (a) If the User is a corporation:
    1. The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    2. The manager of one or more manufacturing, production, or operation facilities employing more than two hundred fifty (250) persons or having gross annual sales or expenditures exceeding twenty-five (25) million dollars (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (b) If the User is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (c) If the User is a Federal, State, or local governmental facility, a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or their designee.
  - (d) The individuals described in paragraphs 4 (a) through (c), above, may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the Control Authority.
- (5) Biochemical Oxygen Demand or BOD. The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures for five (5) days at 20° centigrade expressed as a concentration (mg/l), in accordance with EPA Test Method 405.1, as referenced in 40 CFR 136.3.
- (6) Building Sewer. A sewer conveying Wastewater from the premises of a User to the POTW.
- (7) Categorical Pretreatment Standard(s) or Categorical Standard(s). National Categorical Pretreatment Standards, being any regulation containing pollutant discharge limits promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. § 1317) which apply to a specific category of Users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.
- (8) Chemical Oxygen Demand or COD. The quantity of oxygen utilized in the chemical oxidation of organic matter which is susceptible to conversion to carbon dioxide and

water and expressed as a concentration (milligrams per liter (mg/l)), in accordance with EPA Test Method 410.1, 410.2, 410.3, or 410.4, as referenced in 40 CFR 136.3.

- (9) Cooling Water. The water discharged from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.
- (10) Control Authority. The term "Control Authority" shall refer to the Easton Area Joint Sewer Authority.
- (11) Direct Discharge. The introduction of treated or untreated Wastewater directly to the waters of the Commonwealth of Pennsylvania.
- (12) Environmental Protection Agency or EPA. The U.S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency, including the Regional Water Management Division Director.
- (13) Existing Source. Any source of discharge, the construction or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- (14) Grab Sample. A sample which is normally taken from a waste stream, on a one-time basis, without regard to the flow in the waste stream and over a period of time not to exceed fifteen (15) minutes. When industrial Wastewater volume is not sufficient for analytical purposes in fifteen (15) minute periods, the Industrial Pretreatment Coordinator may approve, in writing, an alternative of sampling.
- (15) Industrial Pretreatment Coordinator. The person designated by the Control Authority to supervise the operation of the Pretreatment Program, and who is charged with certain duties and responsibilities by this Resolution, or a duly authorized representative as delegated by the Industrial Pretreatment Coordinator.
- (16) Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump trucks.
- (17) Immediately. This term is based on the intent which it is used within. However, it shall at least indicate a time frame of "upon discovery" of incident, or as stated in 40 CFR Part 122.41 (1) (6) (i-iii), 40 CFR 403.8 (f) (1) (vi) (B), 40 CFR 403.8 (f) (2) (v) (A-D), and or as specifically identified within this Resolution.
- (18) Indirect Discharge or Discharge. The discharge or introduction of pollutants (including holding tank waste), into the POTW, from any nondomestic source regulated under Section 307(b), (c), or (d) of the Act (33 USC 1317).



- (19) Industrial User or User. A source of Indirect Discharge, from an establishment, which discharges or introduces industrial wastes into the POTW.
- (20) Industrial Waste(s). Any liquid, gaseous, radioactive, solid, or other substances, not sewage, resulting from any manufacturing or industry, or from establishment, as herein defined, and mine drainage, refuse, silt, coal mines, coal collieries, breakers or other coal processing operation.
- (21) Instantaneous Maximum Allowable Discharge Limit. The maximum concentration of a pollutant allowed to be discharged at any time, determined from the analysis of any discrete or composite sample collected, independent of the Industrial Waste flow rate and the duration of the sampling event.
- (22) Interference. A discharge, which alone or in conjunction with a discharge or discharges from other sources, causes the inhibition or disruption of the POTW's treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the Control Authority's NPDES permit (including an increase in magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued thereunder, or any more stringent State or local regulations: Section 405 of the Act; the Solid Waste Disposal Act, including Title II commonly referred to as the Resource Conservation and Recovery Act (RCRA); any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the Solid Waste Disposal Act; the Clean Air Act; the Toxic Substances Control Act; and the Marine Protection, Research, and Sanctuaries Act.
- (23) Medical Waste. Isolation wastes, infectious agents, human blood and blood products, pathological wastes, sharps, body parts, contaminated bedding, surgical wastes, potentially contaminated laboratory wastes, and dialysis wastes.
- (24) National Categorical Pretreatment Standard(s). See Section 1.4 (7).
- (25) National Prohibitive Discharge Standard or Prohibitive Discharge Standard. Any regulation developed under the authority of 307(b) of the Act and 40 CFR, Section 403.5.
- (26) National Pollutant Discharge Elimination System (NPDES) Permit. A permit issued to a POTW pursuant to Section 402 of the Act (33 USC 1342).
- (27) New Source.
- (a) Any building, structure, facility, or installation from which there is, or may be, a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards pursuant to 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:
1. The building, structure, facility, or installation is constructed at a site at which no other source is located; or

2. The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  3. 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.
- (b) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section 1.4 (27) (a) above but otherwise alters, replaces, or adds to existing process or production equipment.
  - (c) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
    1. Begun, or caused to begin, as part of a continuous on-site construction program including:
      - a. Any placement, assembly, or installation of facilities or equipment; or
      - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
    2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- (28) Noncontact Cooling Water. Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- (29) Nonsignificant Industrial User. For the purposes of this Resolution, Nonsignificant Industrial Users are those Users, which do not meet the criteria listed in Definition (46) but warrant the issuance of a Wastewater Discharge Permit.
- (30) Pass Through. A discharge which exits the POTW into Waters of the State 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 Control Authority's NPDES permit, including an increase in the magnitude or duration of a violation.
- (31) Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all

Federal, State, and local governmental entities. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

- (32) pH. The logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution. A measure of the acidity or alkalinity of a solution, expressed in standard units.
- (33) Pollution. The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water, such that harm to human health or the environment may result.
- (34) Pollutant. Any dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of Wastewater (e.g., pH, temperature, TSS, turbidity, color, BOD, COD, toxicity, or odor).
- (35) Pretreatment. The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into the POTW. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.
- (36) Pretreatment Requirements. Any substantive or procedural requirement related to pretreatment imposed on a User, other than a categorical pretreatment standard.
- (37) Pretreatment Standards or Standards. Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- (38) Prohibited Discharge Standards or Prohibited Discharges. Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Sections 2.1 and 2.2 of this Resolution.
- (39) Publicly Owned Treatment Works or POTW. A “treatment works,” as defined by Section 212 of the Act (33 U.S.C. §1292) which is owned and/or leased by the Control Authority. This definition includes any devices or systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature and any conveyances which convey Wastewater to a POTW Treatment Plant.
- (40) Publicly Owned Treatment Works Penalty Law or POTW Act. As defined by Act 9 of 1992, 35 P.S. §752.1 et seq.
- (41) POTW Treatment Plant. That portion of the POTW which is designed to provide treatment including recycling and reclamation of municipal sewage and industrial waste.
- (42) Residential. Any non-commercial, non-industrial and non-manufacturing facility or dwelling.

- (43) Septic Tank Waste. Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, and septic tanks.
- (44) Sewage. Human excrement and gray water (household showers, dishwashing operations, etc.).
- (45) Sewage System. The Control Authority's collection and conveyance system which transports Wastewater to POTW Treatment Plant.
- (46) Shall is mandatory, May is permissive.
- (47) Significant Industrial User.
- (a) A User subject to categorical pretreatment standards; or
- (b) A User that:
1. Discharges an average of twenty-five thousand (25,000) gpd or more of process Wastewater to the POTW (excluding sanitary, cooling, noncontact cooling, and boiler blowdown wastewater);
  2. Contributes a process waste stream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW Treatment Plant; or
  3. Is designated as such by the Control Authority on the basis that it has pretreatment facilities and/or a reasonable potential for adversely affecting the POTW's operation causing inhibition, pass through of pollutants, sludge contamination or endangerment of POTW workers or for violating any pretreatment standard or requirement.
- (c) Upon a finding that a User meeting the criteria in Subsection (b) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement, the Control Authority may at any time, on its own initiative or in response to a petition received from a User, and in accordance with procedures in 40 CFR 403.8(f)(6), determine that such User should not be considered a significant industrial User.
- (48) Slug Load or Slug. Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, or which could cause a violation of the prohibited discharge standards of Section 2.2 of this Resolution.
- (49) State. The Commonwealth of Pennsylvania.
- (50) Standard Industrial Classification (SIC) Code. A classification pursuant to the "Standard Industrial Classification Manual" issued by the United States Office of Management and Budget.
- (51) Storm Water. Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.

- (52) Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, wastewater, or other liquid, and which is removable by laboratory filtering, in accordance with EPA Test Method 160.1, as referenced in 40 CFR 136.3.
- (53) User or Industrial User. Refer to Section 1.4 (19) of this Resolution.
- (54) Wastewater. Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated, which are contributed to the POTW.
- (55) Waters of the State. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State of any portion thereof.

## **SECTION 2 - GENERAL SEWER USE REQUIREMENTS**

### **2.1 General Prohibitions and Standards.**

No User shall contribute, introduce, or cause to be contributed or introduced, directly or indirectly, into the POTW any pollutant or Wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements.

### **2.2 Specific Prohibitions.**

No User shall introduce or cause to be introduced into the POTW the following pollutants, substances, or Wastewater:

- (1) Pollutants which create a fire or explosive hazard in the POTW, including, but not limited to, waste streams with a closed-cup flashpoint of less than 140°F (60°C) using the test methods specified in 40 CFR 261.21;
- (2) Wastewater having a pH less than 6.0 or more than 11.0 or otherwise causing corrosive structural damage to the POTW or equipment;
- (3) Solid or viscous substances in amounts which will cause obstruction of the flow in the POTW resulting in interference, but in no case solids greater than three (3) inches in any dimension;
- (4) Pollutants, including oxygen-demanding pollutants (BOD, etc.), released in a discharge at a flow rate and/or pollutant concentration which, either singly or by interaction with other pollutants, will cause interference with the POTW;
- (5) Wastewater having a temperature greater than 104°F (40°C) being discharged into the Sewage System, unless prior written approval is obtained from the Industrial Pretreatment Coordinator, or which will inhibit biological activity in the POTW Treatment Plant

resulting in interference, but in no case Wastewater which causes the temperature at the introduction into the POTW Treatment Plant to exceed 104°F (40°C);

- (6) Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through, but in no case shall exceed a total oil and grease value of 300 mg/l or a total petroleum value of 100 mg/l;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Industrial Pretreatment Coordinator in accordance with Section 2.10 of this Resolution;
- (9) Noxious Materials. (a) Pollutants which, either singly or by interaction with other wastes, are malodorous, are capable of creating a public nuisance or hazard to life or health, or are present in sufficient concentrations to prevent entry into the treatment works for its operation, maintenance and repair, (b) discharges to the POTW or collection system which result in toxic gases, vapors, fumes within the POTW or collection system in a quantity that may cause acute worker health and safety problems.
- (10) Wastewater containing any radioactive wastes or isotopes except in compliance with this Resolution and applicable State or Federal regulations;
- (11) Wastewater containing true color from any source and of any hue with less than the equivalent luminescence and greater than the equivalent purity of a 500 color unit platinum-cobalt stock standard, as determined by the spectrophotometric or tristimulus methods. Equivalent values shall be determined at the dominant wavelength of the sample and compared to the values determined at the dominant wavelength of the stock standard; or any Wastewater with sufficient color which is not removed in the POTW treatment process and causes the Plant effluent to have a true color in excess of 100 color units;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, noncontact cooling water and swimming pool drainage, unless specifically authorized by the Industrial Pretreatment Coordinator;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes including biological hazards, except as specifically authorized by the Industrial Pretreatment Coordinator;
- (15) Wastewater causing, alone or in conjunction with other sources, the POTW Treatment Plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Any substance which will cause the POTW to violate its NPDES and/or State Solid Waste Disposal Permit, or air quality and/or receiving water quality standards.

When the Industrial Pretreatment Coordinator determines that a User(s) is contributing to the POTW any of the above enumerated substances in such amounts as to cause Interference with

the operation of the POTW and/or POTW Treatment Plant, the Industrial Pretreatment Coordinator shall: (1) Advise the User(s) of the impact of the contribution on the POTW and/or POTW Treatment Plant; (2) Develop effluent limitation(s) for such User(s) to correct the Interference with the POTW and/or POTW Treatment Plant; and (3) Proceed with enforcement pursuant to the provisions of this Resolution and the Enforcement Response Plan Resolution.

Pollutants, substances, or Wastewater prohibited by this section shall not be processed or stored in such a manner that they have a reasonable potential to be discharged to the POTW.

### 2.3 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405-471 are hereby incorporated into this Resolution by reference as though set forth in full.

- (1) Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in Wastewater, the Industrial Pretreatment Coordinator may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- (2) When Wastewater subject to a categorical pretreatment standard is mixed with Wastewater not regulated by the same standard, the Industrial Pretreatment Coordinator shall impose an alternate limit using the combined waste stream formula in 40 CFR 403.6(e).
- (3) A User may obtain a variance from a categorical pretreatment 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 pretreatment standard.
- (4) A User may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### 2.4 Modification of National Categorical Pretreatment Standards

Where the Control Authority's POTW Treatment Plant achieves consistent removal of pollutants limited by National Pretreatment Standards, the Control Authority may apply to the Approval Authority for modification of specific limits in the National Categorical Pretreatment Standards. "Consistent Removal" shall mean reduction in the amount of a pollutant or alteration of the nature of the pollutant by the POTW Treatment Plant to a less toxic or harmless state in the effluent which is achieved by the POTW Treatment Plant in fifty (50%) of the samples taken when measured according to the procedures set forth in Section 403.7(b)(2) of (40 CFR, Part 403) - "General Pretreatment Regulations for Existing and New Sources of Pollution promulgated pursuant to the Act. The Control Authority may then modify pollutant discharge limits in the National Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7 (a) (2), are fulfilled and prior approval from the Approval Authority is obtained.

### 2.5 Control Authority's Right of Revision

The Control Authority reserves the right to establish by resolution more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of this Resolution.

**EASTON AREA JOINT SEWER AUTHORITY**  
**Revised Local Limits effective as of April 20, 2012**

Parameter	Maximum Weekly Average Concentration (mg/l)	Daily Maximum Concentration (mg/l)	Instantaneous Maximum Concentration (mg/l)	Type of Sample
Arsenic	0.08	0.12	-	24-Hr Composite
Cadmium	0.12	0.18	-	24-Hr Composite
Chromium, total	9.52	14.28	-	24-Hr Composite
Copper	2.72	4.08	-	24-Hr Composite
Lead	1.28	1.92	-	24-Hr Composite
Mercury	0.07	0.11	-	24-Hr Composite
Molybdenum	0.11	0.17	-	24-Hr Composite
Nickel	0.92	1.38	-	24-Hr Composite
Selenium	0.07	0.11	-	24-Hr Composite
Silver	1.41	2.12	-	24-Hr Composite
Zinc	1.53	2.30	-	24-Hr Composite
Cyanide, total	3.72	5.58	5.58	Grab
Total Oil & Grease	-	-	300	Grab
Total Petroleum Oil & Grease	-	-	100	Grab
pH	-	-	6.0 – 11.0	Grab

Color Prohibition - Wastewater containing true color from any source and of any hue with less than the equivalent luminescence and greater than the equivalent purity of a 500 color unit platinum-cobalt stock standard, as determined by the spectrophotometric or tristimulus methods. Equivalent values shall be determined at the dominant wavelength of the stock standard; or any Wastewater with sufficient color which is not removed in the POTW treatment process and causes the Plant effluent to have a true color in excess of 100 color units; this limit is an instantaneous limit and compliance would be determined based on each individual grab sample result. [Color violation if both: -purity is > 500 cpu stnd setpoint AND -lum is < 500 cpu stnd setpoint]

**Surcharge Parameters - billed on a quarterly basis per the EAJSA's surcharge formula**

BOD	250 mg/l	24-Hr Composite
TSS	250 mg/l	24-Hr Composite
Ammonia, total	25 mg/l	24-Hr Composite



**EASTON AREA JOINT SEWER AUTHORITY**  
**Revised Local Limits effective as of April 20, 2012**

Weekly average shall mean the arithmetic mean of all 24-hour daily results, whether composite or grab, collected in a one-week period from Sunday through Saturday.

At no time shall the pollutant concentration of a 24-hour composite or grab sample exceed 1.5 times the weekly average limit listed above for the pollutant. Should these limits be exceeded, it shall constitute a daily violation.

The above limits apply at the point where the wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Industrial Pretreatment Coordinator may impose mass limitations in addition to, or in place of, the concentration-based limitations above. All test procedures shall conform to an approved analysis method as indicated in 40 CFR Part 136.

For the pollutants listed in the table above, where multiple grab samples are collected during the same day, the average would be used for determining compliance with the daily maximum limit, while compliance with the instantaneous maximum limit would be determined based on each individual grab sample result.

**NO. 2011-02-21-A**

**BY: The Easton Area Joint Sewer Authority**

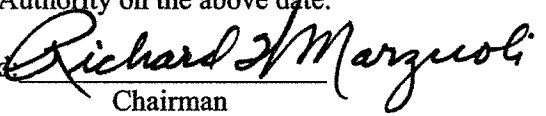
## **RESOLUTION**

*Resolved*, by the Easton Area Joint Sewer Authority, that at the February 21, 2011 Board Meeting

The Easton Area Joint Sewer Authority approves the revised local limits for wastewater discharges.

This is to certify that the above Resolution was adopted by the Authority on the above date.

Signed

  
Chairman

**EASTON AREA JOINT SEWER AUTHORITY**  
**RESOLUTION NO. 2011-02-21-A**

**REVISED LOCAL LIMITS FOR WASTEWATER DISCHARGES**

**RESOLVED**, that the Easton Area Joint Sewer Authority (EAJSA) hereby adopts the following changes to its Rules and Regulations relative to local limits for wastewater discharges.

**Background**

On May 4, 2010, the EAJSA submitted an updated evaluation of its Industrial Pretreatment Program local limits to the USEPA for review and approval in accordance with NPDES permit conditions. On December 9, 2010, USEPA accepted the EAJSA's local limits submission. As a result of this acceptance, the changes to Section 2.7 of the EAJSA's Rules and Regulations listed below are required. Note that items in brackets [ ] will be deleted and double underlined        items will be inserted.

**Revised Language for EAJSA Rules and Regulations**

**2.7 Local Limits**

The following maximum weekly average pollutant limits are established to protect against pass through and interference. No person shall discharge on a weekly average Wastewater containing in excess of the following:

Arsenic	[0.32] <u>0.08</u> mg/l
Cadmium	[0.26] <u>0.12</u> mg/l
Chromium (total)	[14.06] <u>9.52</u> mg/l
Copper	[1.03] <u>2.72</u> mg/l
Cyanide ( <u>total</u> )	[1.26] <u>3.72</u> mg/l
Lead	[1.43] <u>1.28</u> mg/l
Mercury	[0.02] <u>0.07</u> mg/l
Molybdenum	[No Limit] <u>0.11</u> mg/l
Nickel	[2.72] <u>0.92</u> mg/l
Selenium	[No Limit] <u>0.07</u> mg/l
Silver	[0.56] <u>1.41</u> mg/l
Zinc	[2.88] <u>1.53</u> mg/l

Weekly average shall mean the arithmetic mean of all 24-hour daily results, whether composite or grab, collected in a one week period from Sunday through Saturday.

At no time shall the pollutant concentration of a 24-hour composite or grab sample exceed 1.5 times the weekly average limit listed above for the pollutant. Should these limits be exceeded, it shall constitute a daily violation under this Resolution.

The above limits apply at the point where the Wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Industrial Pretreatment Coordinator may impose mass limitations in addition to, or in place of, the concentration-based limitations above. All test procedures shall conform to an approved analysis method as indicated in 40 CFR Part 136.

For the pollutants listed in the table above, where multiple grab samples are collected during the same day, the average would be used for determining compliance with the daily maximum limit, while compliance with the instantaneous maximum limit would be determined based on each individual grab sample result.

## 2.6 Dilution

No User shall ever increase the use of process water, or in any way attempt to dilute a discharge, as a partial or complete substitute for adequate treatment to achieve compliance with a discharge limitation unless expressly authorized by an applicable pretreatment standard or requirement. The Industrial Pretreatment Coordinator may impose mass limitations on Users who are using dilution to meet applicable pretreatment standards or requirements, or in other cases when the imposition of mass limitations is appropriate.

## 2.7 Local Limits

The following maximum weekly average pollutant limits are established to protect against pass through and interference. No person shall discharge on a weekly average Wastewater containing in excess of the following:

Arsenic	0.45 mg/l
Cadmium	0.17 mg/l
Chromium (total)	5.00 mg/l
Copper	0.90 mg/l
Cyanide	0.90 mg/l
Lead	0.80 mg/l
Mercury	0.03 mg/l
Nickel	1.80 mg/l
Phenol (total)	3.00 mg/l
Silver	0.70 mg/l
Zinc	1.90 mg/l

Weekly average shall mean the arithmetic mean of all 24-hour daily results, whether composite or grab, collected in a one week period from Sunday through Saturday.

At no time shall the 24-hour composite sample result exceed 1.5 times the weekly average limits, nor shall a grab sample result exceed twice the weekly average limit. Should either of these limits be exceeded, it shall constitute a daily violation under this Resolution.

The above limits apply at the point where the Wastewater is discharged to the POTW. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The Industrial Pretreatment Coordinator may impose mass limitations in addition to, or in place of, the concentration-based limitations above. All test procedures shall conform to an approved analysis method as indicated in 40 CFR Part 136.

## 2.8 Accidental Discharges

Each User shall provide protection from accidental discharges of prohibited materials or other substances regulated by this Resolution. Where Facilities are provided to prevent accidental discharge of prohibited materials, these facilities shall be provided and maintained at the owner or User's own cost and expense. In the case of an accidental discharge, it shall be the responsibility of the User, upon discovery, and after assessing the situation and taking initial corrective action, if possible, to immediately telephone and notify the Industrial Pretreatment Coordinator of the incident. The notification shall include location of discharge, type of waste, estimated concentration and volume if known, and initial corrective actions taken by the User.

Written Notice: Within five (5) days following an accidental discharge; the User shall submit to the Industrial Pretreatment Coordinator a detailed written report describing the cause of the discharge, all corrective measures implemented or attempted, and measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the User of any expenses, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, civil penalties, or other liability which may be imposed by this Resolution or other applicable resolutions or laws.

Notice to Employees: 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 an accidental discharge. Employers shall insure that all employees who may cause or suffer such an accidental discharge to occur are advised of the emergency notification procedures.

## 2.9 Accidental Discharge/Slug Control Plans

An Accidental Discharge or Slug Control Plan, as prescribed under 40 CFR 408.8 (f) (2) (v), may be required:

- (1) For all new source Users. Where required by the Industrial Pretreatment Coordinator, detailed plans showing facilities and operating procedures to provide protection from accidental discharges or slugs shall be submitted to the Control Authority for review, and shall be approved by the Control Authority before construction of the facility.
- (2) For existing Users. At least once every two (2) years, the Industrial Pretreatment Coordinator shall evaluate whether each User needs an accidental discharge/slug control plan.

When an existing User is required by the Industrial Pretreatment Coordinator to provide and/or modify an accidental discharge/slug control plan, the User shall provide the plan within sixty (60) days of notification. Should the Plan require construction or implementation of measures to meet compliance, the Plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the Industrial Pretreatment Coordinator within thirty (30) days. Failure to submit a revised plan and/or failure to provide a complete plan after the 30 day submission period may render the Wastewater Discharge Permit void.

If not specifically required by the Industrial Pretreatment Coordinator, the information, requirements, etc., called for in a plan are not waived by the Control Authority and the User shall, in their own and sole judgement provide all necessary items, procedures, etc., to prevent any accidental discharge and/or slug discharge to the POTW.

The Control Authority's review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Resolution.

The Industrial Pretreatment Coordinator may require any User to develop, submit for approval, and implement such a plan. Alternatively, the Industrial Pretreatment Coordinator may develop such a plan for any User. An accidental discharge/slug control plan shall address, at a minimum, the following:

- (1) Description of discharge practices, including nonroutine batch discharges;
- (2) Description of stored chemicals;
- (3) Procedures for immediately notifying the Industrial Pretreatment Coordinator of any accidental or slug discharge, as required by Section 2.8 of this Resolution; and
- (4) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

An approved PaDEP pollution control prevention plan may substitute for all or a portion of this Plan to the extent that it satisfies the requirements of an accidental discharge/slug control plan.

#### 2.10 Hauled Wastewater

The Control Authority prohibits the discharge of any and all hauled waste into the POTW or Sewer System unless by written agreement with the Control Authority.

### **SECTION 3 - PRETREATMENT OF WASTEWATER**

#### 3.1 Pretreatment Facilities

Users shall provide wastewater treatment as necessary to comply with this Resolution and shall achieve compliance with all applicable categorical pretreatment standards, local limits, and the prohibitions set out in Sections 2.1 and 2.2 of this Resolution within the time limitations specified by the agency issuing the standards. Any facilities necessary for compliance shall be provided, operated, and maintained at the User's expense. Detailed plans describing such facilities and operating procedures shall be submitted to the Industrial Pretreatment Coordinator for review, and shall be acceptable to the Industrial Pretreatment Coordinator before such facilities are constructed. The Control Authority's review of such plans and operating procedures shall in no way relieve the User from the responsibility of additional or future modifications of such facilities as necessary to produce a discharge acceptable to the Control Authority under the provisions of this Resolution.

### 3.2 Additional Pretreatment Measures

- (1) Whenever deemed necessary, the Industrial Pretreatment Coordinator may require Users to restrict their discharge during peak flow periods, designate that certain Wastewater be discharged only at specific points of the Sewage System, relocate and/or consolidate points of discharge, separate sewage waste streams from industrial waste streams, and/or such other conditions as may be necessary to protect the POTW and determine the User's compliance with the requirements of this Resolution.
- (2) The Industrial Pretreatment Coordinator may require any person discharging into the POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A Wastewater Discharge Permit may be issued solely for flow equalization.
- (3) Grease, oil, and sand interceptors shall be provided when, in the opinion of the Industrial Pretreatment Coordinator, they are necessary for the proper handling of Wastewater containing excessive amounts of grease and oil, or sand; except that such interceptors shall not be required for residential sources. All interception units shall be of type and capacity approved by the Industrial Pretreatment Coordinator and shall be so located to be easily accessible for cleaning and inspection. Such interceptors shall be inspected, cleaned, and repaired regularly, as needed, by the User at their expense.

## **SECTION 4 - WASTEWATER DISCHARGE PERMIT APPLICATION**

### 4.1 Wastewater Discharges

It shall be unlawful to discharge within any area under the jurisdiction of the Control Authority, and/or to the POTW, any Wastewater except as authorized by the Industrial Pretreatment Coordinator in accordance with the provisions of this Resolution, subject to State and Federal laws and regulations.

### 4.2 Wastewater Analysis

When requested by the Industrial Pretreatment Coordinator, a User must submit information on the nature and characteristics of its Wastewater within thirty (30) days of the request unless additional time is approved, in writing, by the Industrial Pretreatment Coordinator. The Industrial Pretreatment Coordinator is authorized to prepare a form for this purpose and may periodically require Users to update this information.

### 4.3 Wastewater Discharge Permit Requirement

- (1) No Significant Industrial User shall discharge Wastewater into the POTW without first obtaining a Wastewater Discharge Permit from the Industrial Pretreatment Coordinator. A User permitted by the Control Authority may discharge for the time period specified in the Wastewater Discharge Permit.
- (2) The Industrial Pretreatment Coordinator may require other Users to obtain Wastewater Discharge Permits as necessary to carry out the purposes of this Resolution.



- (3) Any violation of the terms and conditions of a Wastewater Discharge Permit shall be deemed a violation of this Resolution and shall subject the Wastewater Discharge Permittee to the sanctions set out in this Resolution. Obtaining a Wastewater Discharge Permit does not relieve a permittee of its obligation to comply with all Federal and State pretreatment standards or requirements or with any other requirements of Federal, State, and local law.

#### 4.4 Wastewater Discharge Permitting: Existing Connections

Any User required to obtain a Wastewater Discharge Permit who was discharging Wastewater into the POTW prior to the effective date of this Resolution and who wishes to continue such discharges in the future, shall, within thirty (30) days after said date, apply to the Industrial Pretreatment Coordinator for a Wastewater Discharge Permit or request an extension of their Wastewater Discharge Permit in accordance with this Resolution. The Industrial Pretreatment Coordinator may issue a new or temporary Wastewater Discharge Permit without requiring a new application from the User. When a new Wastewater Discharge Permit is required by the Industrial Pretreatment Coordinator, a complete application shall be submitted within ninety (90) days of written notification.

No User shall cause or allow discharges to the POTW to continue after thirty (30) days of the effective date of this Resolution except in accordance with a Wastewater Discharge Permit issued by the Industrial Pretreatment Coordinator unless a written extension of an existing Wastewater discharge permit has been requested and/or approved by the Industrial Pretreatment Coordinator.

#### 4.5 Wastewater Discharge Permitting: New Connections

Any User required to obtain a Wastewater Discharge Permit who proposes to begin or recommence discharging into the POTW must obtain such permit prior to the beginning or recommencing of such discharge. An application for this Wastewater Discharge Permit, in accordance with this Resolution, must be filed at least one hundred twenty (120) days prior to the date upon which any discharge will begin or recommence.

#### 4.6 Wastewater Discharge Permit Application Contents

All Users required to obtain a Wastewater Discharge Permit shall complete and file with the Control Authority, a permit application which incorporates the information prescribed in this Resolution. The Industrial Pretreatment Coordinator may require all Users to submit as part of an application the following information:

- (1) Information described by Section 6.1 and 6.3 of this Resolution;
- (2) Description of activities, facilities, and plant processes on the premises, including SIC number(s) and a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- (3) Number and type of employees, hours of operation, and proposed or actual hours of operation;
- (4) Each product produced by type, amount, process or processes, and rate of production;
- (5) Type and amount of raw materials processed (average and maximum per day);

- (6) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, floor drains, and appurtenances by size, location, and elevation, and all points of discharge;
- (7) Time and duration of discharges including 30 minute peak wastewater flow rates and seasonally variations, if any;
- (8) Wastewater constituents and characteristics sampling and analysis shall be performed in accordance with Section 304 (g) of the Act and 40 CFR, Part 136, as amended; and
- (9) Copies of all Material Safety Data sheets.
- (10) Information on any User-specific health and safety or chemical awareness training required for Authority personnel prior to entry into the User's facility.
- (11) Any other information as may be deemed necessary by the Industrial Pretreatment Coordinator to evaluate the Wastewater Discharge Permit application.

Incomplete or inaccurate Wastewater Discharge Permit applications will not be processed and will be returned to the User for revision. All site plans, floor plans, mechanical and plumbing plans, all other types of construction plans, and process diagrams, which are subject to the requirements of this Resolution, shall be signed by an authorized representative of the User that is familiar with the information and its accuracy. It is recommended that the above information be signed and sealed by a Professional Engineer, who is licensed in the Commonwealth of Pennsylvania, to ensure compliance with sound engineering and all applicable Federal, State, and local codes and statutes.

#### 4.7 Application 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."

#### 4.8 Wastewater Discharge Permit Decisions

The Industrial Pretreatment Coordinator will evaluate the data furnished by the User and may require additional information. Within sixty (60) days of receipt of a complete Wastewater Discharge Permit application, the Industrial Pretreatment Coordinator will determine whether or not to issue a Wastewater Discharge Permit. The Industrial Pretreatment Coordinator may deny any application for a Wastewater Discharge Permit, which does not comply with the requirements of this Resolution or applicable Federal and State laws and regulations. In the event that a timely and complete Wastewater Discharge Permit renewal application, in the sole discretion of the Industrial Pretreatment Coordinator, has been submitted and the permit can not be reissued, through no fault of the User, before the expiration date, the terms and conditions of

the existing permit will be automatically continued and will remain fully effective and enforceable pending the granting or denial of the application for permit renewal.

## **SECTION 5 - WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

### **5.1 Wastewater Discharge Permit Duration**

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

### **5.2 Wastewater Discharge Permit Contents**

A Wastewater Discharge Permit shall include such conditions as are deemed reasonably necessary by the Industrial Pretreatment Coordinator.

- (1) Wastewater Discharge Permits must contain:
  - (a) A statement that indicates Wastewater Discharge Permit duration, which in no event shall exceed five (5) years;
  - (b) A statement that the Wastewater Discharge Permit is nontransferable without prior notification to the Control Authority in accordance with Section 5.5 of this Resolution, and provisions for furnishing the new owner or operator with a copy of the existing Wastewater Discharge Permit;
  - (c) Effluent limits based on applicable pretreatment standards;
  - (d) Self monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law;
  - (e) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, and/or local law;
  - (f) User data, based upon its application, where within its property, health and safety training is required for access; and
  - (g) Notice of the Control Authority civil penalty assessment policy as provided in the Enforcement Response Plan Resolution.
- (2) Wastewater Discharge Permits may contain, but need not be limited to, the following conditions:
  - (a) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

- (b) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;
- (c) Requirements for the development and implementation of spill control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or nonroutine discharges;
- (d) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (e) The unit charge or schedule of User charges and fees for the management of the Wastewater discharged to the POTW;
- (f) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (g) A statement that compliance with the Wastewater Discharge Permit does not relieve the permittee of responsibility for compliance with all applicable Federal and State pretreatment standards, including those which become effective during the term of the Wastewater Discharge Permit; and
- (h) Other conditions as deemed appropriate by the Industrial Pretreatment Coordinator to ensure compliance with this Resolution, and State and Federal laws, rules, and regulations.

### 5.3 Wastewater Discharge Permit Appeals

Any person, including the User, may petition the Industrial Pretreatment Coordinator to reconsider the terms of a Wastewater Discharge Permit within thirty (30) days of notice of its issuance. The appeal request in addition to the information required in the Resolution shall provide the name, address and telephone number of the appellant as well the date that the Control Authority and/or Industrial Pretreatment Coordinator took the action which is the subject matter of the appeal.

- (1) Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- (2) In its petition, the appealing party shall 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.
- (3) The conditions of the current Wastewater Discharge Permit shall remain in effect pending the appeal of the new Wastewater Discharge Permit.
- (4) If the Pretreatment Coordinator fails to act within thirty (30) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a Wastewater Discharge Permit, not to issue a Wastewater Discharge Permit, or not to modify a Wastewater Discharge Permit shall be considered final administrative actions for purposes of judicial review.

- (5) Aggrieved parties seeking judicial review of the final administrative Wastewater Discharge Permit decision must do so by filing a complaint with the Court of Common Pleas of Northampton County, Pennsylvania, within thirty (30) days of the final administrative Wastewater Discharge Permit decision.

#### 5.4 Wastewater Discharge Permit Modification

The Industrial Pretreatment Coordinator may modify a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (1) To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- (2) To address significant alterations or additions to the User's operation, processes, or Wastewater volume or character since the time of Wastewater Discharge Permit issuance;
- (3) To reflect a change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
- (4) Information indicating that the permitted discharge poses a threat to the Control Authority's POTW, Control Authority personnel, or the receiving waters;
- (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 pretreatment standards pursuant to 40 CFR 403.13;
- (8) To correct typographical or other errors in the Wastewater Discharge Permit; or
- (9) To reflect a transfer of the facility ownership or operation to a new owner or operator.

#### 5.5 Wastewater Discharge Permit Transfer

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 the approval of the Control Authority. Any succeeding owner or User shall also comply with the terms and conditions of the existing permit, as well as any additional terms or conditions which may be required as a result of the proposed transfer.

Wastewater Discharge Permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance written notice to the Industrial Pretreatment Coordinator and the Industrial Pretreatment Coordinator approves the Wastewater Discharge Permit transfer. The notice to the Industrial Pretreatment Coordinator must include a written certification by the new owner or operator which:

- (1) States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;

- (2) Identifies the specific date on which the transfer is to occur; and
- (3) Acknowledges full responsibility for complying with the existing Wastewater Discharge Permit.

Failure to provide advance notice of a transfer shall render the Wastewater Discharge Permit void as of the date of facility transfer.

#### 5.6 Wastewater Discharge Permit Revocation

The Industrial Pretreatment Coordinator may, in accordance with this Resolution and the Enforcement Response Plan Resolution, revoke a Wastewater Discharge Permit for good cause, including, but not limited to, the following reasons:

- (1) Failure to notify the Industrial Pretreatment Coordinator of significant changes to the Wastewater prior to the changed discharge;
- (2) Failure to provide prior notification to the Industrial Pretreatment Coordinator of changed conditions pursuant to Section 6.5 of this Resolution;
- (3) Misrepresentation or failure to fully disclose all relevant facts in the Wastewater Discharge Permit application;
- (4) Falsifying self-monitoring reports;
- (5) Tampering with monitoring equipment;
- (5) Refusing to allow the Industrial Pretreatment Coordinator timely access to the facility premises and records;
- (6) Failure to meet effluent limitations;
- (7) Failure to pay fines;
- (8) Failure to pay sewer charges;
- (9) Failure to meet compliance schedules;
- (10) Failure to complete a Wastewater survey or the Wastewater Discharge Permit application;
- (11) Failure to provide advance notice of the transfer of business ownership of a permitted facility; or
- (12) Violation of any pretreatment standard or requirement, or any terms of the Wastewater Discharge Permit or this Resolution.

Wastewater Discharge Permits shall be voidable upon cessation of operations for a period exceeding six (6) months or transfer of business ownership. All Wastewater Discharge Permits issued to a particular User are void upon the issuance of the new Wastewater Discharge Permit to that User or final administrative Wastewater Discharge Permit in accordance with Section 5.3 of this Resolution.

## 5.7 Wastewater Discharge Permit Reissuance

A User with an expiring Wastewater Discharge Permit shall apply for Wastewater Discharge Permit reissuance by submitting a complete permit application, in accordance with Section 4.6 of this Resolution, a minimum of one hundred-twenty (120) days prior to the expiration of the User's existing Wastewater Discharge Permit. It is the responsibility of the User to request a Wastewater Discharge Permit Application Form no less the 150 days prior to the expiration of the existing Wastewater Discharge Permit. The application form shall include calibration reports on the required flow monitoring devices used during the term of the prior Wastewater Discharge Permit.

## 5.8 Regulation of Waste Received from Other Jurisdictions

- (1) If another municipality, or User located within another municipality outside of the jurisdiction of the Control Authority, contributes Wastewater to the POTW, the Control Authority shall enter into a binding agreement with the contributing municipality.
- (2) Prior to entering into an agreement required by paragraph (1) above, the Industrial Pretreatment Coordinator shall request the following information from the contributing municipality:
  - (a) A description of the quality and volume of Wastewater discharged to the POTW by the contributing municipality;
  - (b) An inventory of all Users located within the contributing municipality that are discharging to the POTW; and
  - (c) Such other information as the Industrial Pretreatment Coordinator may deem necessary.
- (3) A binding agreement, as required by paragraph (1), above, shall contain the following conditions:
  - (a) A requirement for the contributing municipality to adopt a Sewer Use Ordinance which is at least as stringent as this Resolution, an Enforcement Response Plan Resolution, a Surcharge Resolution and local limits which are at least as stringent as those set out in Section 2.7 of this Resolution. The requirement shall specify that such ordinance and limits must be revised as necessary to reflect changes made to the Control Authority's Resolution(s) or local limits;
  - (b) A requirement for the contributing municipality to submit a revised User inventory on at least an annual basis;
  - (c) A provision specifying which pretreatment implementation activities, including Wastewater Discharge Permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the Industrial Pretreatment Coordinator; and which of these activities will be conducted jointly by the contributing municipality and the Industrial Pretreatment Coordinator;

- (d) A requirement for the contributing municipality to provide the Industrial Pretreatment Coordinator with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (e) Limits on the nature, quality, and volume of the contributing municipality's Wastewater at the point where it discharges to the POTW;
- (f) Requirements for monitoring the contributing municipality's discharge;
- (g) A provision ensuring the Industrial Pretreatment Coordinator access to the facilities of Users located within the contributing municipality's jurisdictional boundaries for the purpose of inspection, sampling, and any other duties deemed necessary by the Industrial Pretreatment Coordinator; and
- (h) A provision specifying remedies available for breach of the terms of the binding agreement, and authorizing the Control Authority to take legal action to enforce the terms of the contributing municipality's Ordinance or impose and enforce pretreatment standards.

#### 5.9 Wastewater Discharge Permit Fees

##### (1) New Permits

Each new User shall be assessed a fee for their initial permit(s). The amount shall be adjusted, where required, on an annual basis by the Control Authority through its User Rate Resolution.

##### (2) Renewal Permits

Each User shall be assessed a fee each time their permit(s) is renewed. The amount shall be adjusted, where required, on an annual basis by the Control Authority through its User Rate Resolution.

### **SECTION 6 - REPORTING REQUIREMENTS**

#### 6.1 Baseline Monitoring Reports

- (1) Within one hundred eighty (180) days after either the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing Users currently discharging to or scheduled to discharge to the POTW shall submit to the Industrial Pretreatment Coordinator a report which contains the information listed in paragraph (2), below. Where a User is not an existing categorical user, the User may request in writing to the Industrial Pretreatment Coordinator that the provisions of the subsection be waived.

At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become Users subsequent to the promulgation of an applicable categorical standard, shall submit to the Industrial Pretreatment Coordinator a report which contains the information listed in paragraph (2), below. A new source shall report the method of



pretreatment it intends to use to meet applicable standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.

- (2) Users described above shall submit the information set forth below.
- (a) Identifying Information. The name and address of the facility, including the name of the operator and owner.
  - (b) Environmental Permits. A list of any environmental control permits held by or for the facility.
  - (c) Description of Operations. A brief description of the nature, average rate of production, and Standard Industrial Classifications of the operation(s) carried out by such User. This description shall include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.
  - (d) Flow Measurement. Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined waste stream formula set out in 40 CFR 403.6(e). Required flow measuring devices shall be approved by the Industrial Pretreatment Coordinator prior to installation. The flow measuring device(s) shall be compatible with the process involved and shall be accurate. The flow measuring device(s) shall be calibrated at least semi-annually, which calibration reports shall be included as part of the Wastewater Discharge Permit Application Form.
  - (e) Measurement of Pollutants.
    1. The categorical pretreatment standards applicable to each regulated process.
    2. The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the Industrial Pretreatment Coordinator, of regulated pollutants in the discharge from each regulated process. Instantaneous, daily maximum, and long-term average concentrations, or mass, where required, shall be reported. The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 6.9 of this Resolution.
    3. Sampling must be performed in accordance with procedures set out in Section 6.10 of this Resolution.
  - (f) Certification. A statement, reviewed by the User's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the Pretreatment Standards and Requirements.
  - (g) Compliance Schedule. If additional pretreatment and/or O&M will be required to meet the pretreatment standards, the shortest schedule by which the User will provide such additional pretreatment and/or O&M. The completion date in this schedule shall not be later than the compliance date established for the applicable pretreatment

standard. A compliance schedule pursuant to this section must meet the requirements set out in Section 6.2 of this Resolution.

- (h) Signature and Certification. All baseline monitoring reports must be signed and certified in accordance with Section 4.7 of this Resolution.

## 6.2 Compliance Schedule Progress Reports

The following conditions shall apply to the compliance schedule required by Section 6.1(2)(g) of this Resolution:

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

## 6.3 Reports on Compliance with Pretreatment Standard Deadline

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of Wastewater into the POTW, any User subject to such pretreatment standards and requirements shall submit to the Industrial Pretreatment Coordinator a report containing the information described in Section 6.1(2)(d-f) of this Resolution. 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 pretreatment standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the User's actual production during the appropriate sampling period. All compliance reports must be signed and certified in accordance with Section 4.7 of this Resolution.

## 6.4 Periodic Compliance Reports For All Users

The Control Authority may elect to handle all requirements of this section, and when so elected by the Control Authority, it shall be specified in the Wastewater Discharge Permit issued to the User.

- (1) All Significant and Nonsignificant Industrial Users shall, at a frequency determined by the Industrial Pretreatment Coordinator but in no case less than semi-annually, submit a report indicating the nature and concentration of pollutants in the discharge which are

limited by pretreatment standards and/or contained in a valid Wastewater Discharge Permit and the measured or estimated average and maximum daily Wastewater flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 4.7 of this Resolution.

- (2) All Wastewater samples must be representative of the User's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in good working order at all times. The failure of a User to keep its monitoring facility in good working order shall not be grounds for the User to claim that sample results are unrepresentative of its discharge.
- (3) If a User subject to the reporting requirement in this section monitors any pollutant more frequently than required by the Industrial Pretreatment Coordinator, using the procedures prescribed in Sections 6.1, 6.9, and 6.10 of this Resolution, the results of this monitoring shall be included in the report.

#### 6.5 Reports of Changed Conditions

Each User must notify the Industrial Pretreatment Coordinator of any planned significant changes to the User's operations or system which might alter the nature, quality, or volume of its Wastewater at least ninety (90) days before the change occurs.

- (1) The Industrial Pretreatment Coordinator 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 4.6 of this Resolution.
- (2) The Industrial Pretreatment Coordinator may issue a Wastewater Discharge Permit under Section 4.8 of this Resolution or modify an existing Wastewater Discharge Permit under Section 5.4 of this Resolution in response to changed conditions or anticipated changed conditions.
- (3) For purposes of this requirement, significant changes include, but are not limited to average flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants at levels that may cause pass-through or interference or otherwise violate the provisions of this Resolution.

#### 6.6 Reports of Potential Problems

- (1) In the case of any discharge, including, but not limited to, accidental discharges, discharges that violate the prohibitions of Section 2.2, or any discharge that could cause potential problems for the POTW, the User upon discovery and after assessing the situation and taking initial corrective action, shall immediately telephone and notify the Industrial Pretreatment Coordinator of the incident. This notification shall include the location of the discharge, type of waste, concentration and volume, if known, and initial corrective actions taken by the User.
- (2) Within five (5) business days following such discharge, the User shall submit a detailed written report describing the cause(s) of the discharge and the measures to be taken and/or have been implemented by the User to prevent similar future occurrence. Such notification shall not relieve the User of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the User of any fines, penalties,

or other liability which may be imposed pursuant to this Resolution or other applicable resolutions or laws.

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

#### 6.7 Reports from Unpermitted Users

All Users not required to obtain a Wastewater Discharge Permit may be required to provide appropriate reports to the Industrial Pretreatment Coordinator as the Industrial Pretreatment Coordinator shall require.

#### 6.8 Notice of Violation/Repeat Sampling and Reporting

If sampling performed by the User indicates a violation, the User must notify the Industrial Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the violation. The User shall repeat the sampling within ninety-six (96) hours and shall submit the analytical results to the Industrial Pretreatment Coordinator within thirty (30) days of becoming aware of the violation.

Where the User believes the first reported result(s) indicating a violation(s) maybe in error, the User may submit additional data to support its position with the repeat sampling results.

Where the User believes its facility continues in violation of its Wastewater Discharge Permit, the User shall notify the Industrial Pretreatment Coordinator, and the ninety-six (96) hours repeat sampling requirement of this subsection may commence at the point the User believes its facility has returned to compliance, provided that the results of the repeat sampling are submitted within 30 days of becoming aware of the violation.

The User is not required to resample if the Industrial Pretreatment Coordinator monitors at the User's facility at least once a month, or if the Industrial Pretreatment Coordinator samples between the User's initial sampling and when the User receives the results of this sampling.

#### 6.9 Analytical Requirements

All pollutant analyses, including sampling techniques, to be submitted as part of a Wastewater Discharge Permit application or periodic compliance report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by the Administrator.

#### 6.10 Sample Collection

- (1) Except as indicated in Section (2), below, the User must collect Wastewater samples using flow proportional composite collection techniques. In the event flow proportional sampling is infeasible or not warranted in the opinion of the Industrial Pretreatment Coordinator, the Industrial Pretreatment Coordinator may authorize the use of time proportional sampling or a minimum of four (4) grab samples where the User demonstrates that this will provide a representative sample of the effluent being

discharged or frequency of grab samples acceptable to the Industrial Pretreatment Coordinator. Alternate grab sampling procedures shall be approved by the Approval Authority. In addition, grab samples may be required to show compliance with instantaneous discharge limits.

- (2) When required by the Industrial Pretreatment Coordinator, a User and/or industrial waste discharger shall install a control monitoring manhole together with such metering and other appurtenances, that shall be suitable to the Industrial Pretreatment Coordinator, in the building sewer to facilitate observation, sampling and measurement of the discharge. The control manhole and all appurtenances shall be constructed in accordance to plans approved by the Industrial Pretreatment Coordinator. These facilities shall be installed by the User, at his expense, and shall be maintained by the User including accessibility and safety.
- (3) Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, and volatile organic compounds must be obtained using grab collection techniques as outlined in 40 CFR Part 136 or as indicated in Section 6.10 (1) of this Resolution.

#### 6.11 Timing

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

#### 6.12 Record Keeping

Users subject to the reporting requirements of this Resolution shall maintain, and make available for inspection and copying by the Industrial Pretreatment Coordinator, all records of information obtained pursuant to any monitoring activities required by this Resolution 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, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Control Authority, or where the User has been specifically notified of a longer retention period by the Industrial Pretreatment Coordinator.

#### 6.13 Notification of the Discharge of Hazardous Waste

- (1) Any User who commences the discharge of hazardous waste shall notify the POTW, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Such notification must include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the User discharges more than one hundred (100) kilograms of such waste per calendar month to the POTW, the notification also shall contain the following information to the extent such information is known and readily available to the User: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the waste stream discharged during that calendar month, and an estimation of the mass of constituents in the waste stream expected to be

discharged during the following twelve (12) months. All notifications must take place no later than one hundred and eighty (180) days after the discharge commences. Any notification under this paragraph need be submitted only once for each hazardous waste discharged. However, notifications of changed conditions must be submitted under Section 6.5 of this Resolution. The notification requirement in this section does not apply to pollutants already reported by Users subject to categorical pretreatment standards under the self-monitoring requirements of Sections 6.1, 6.3, and 6.4 of this Resolution.

- (2) Dischargers are exempt from the requirements of paragraph (1), above, during a calendar month in which they discharge no more than fifteen (15) kilograms of hazardous wastes, unless the wastes are acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e). Discharge of more than fifteen (15) kilograms of nonacute hazardous wastes in a calendar month, or of any quantity of acute hazardous wastes as specified in 40 CFR 261.30(d) and 261.33(e), requires a one-time notification. Subsequent months during which the User discharges more than such quantities of any hazardous waste do not require additional notification.
- (3) In the case of any new regulations under Section 3001 of RCRA identifying additional characteristics of hazardous waste or listing any additional substance as a hazardous waste, the User must notify the Industrial Pretreatment Coordinator, the EPA Regional Waste Management Waste Division Director, and State hazardous waste authorities of the discharge of such substance within ninety (90) days of the effective date of such regulations.
- (4) In the case of any notification made under this section, the User shall certify that it has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical.

## **SECTION 7 - COMPLIANCE MONITORING**

### **7.1 Right of Entry: Inspection and Sampling**

The Industrial Pretreatment Coordinator and the Control Authority's sampling technicians shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Resolution and any Wastewater Discharge Permit or order issued hereunder.\* Users shall allow the Industrial Pretreatment Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties required under this Resolution. A User shall not obstruct, block or otherwise interfere with access to the sampling point(s).

- (1) 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 Industrial Pretreatment Coordinator shall be permitted to enter without delay for the purposes of performing specific responsibilities.
- (2) The Industrial Pretreatment Coordinator 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.
- (3) The Industrial Pretreatment Coordinator may require the User to install monitoring

equipment as necessary. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. These devices used to measure Wastewater flow and quality shall be calibrated at least semi-annually to ensure their accuracy.

- (4) 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 request of the Industrial Pretreatment Coordinator and shall not be replaced without approval of the Industrial Pretreatment Coordinator. The costs of clearing such access shall be born by the User.
- (5) Unreasonable delay in allowing the Industrial Pretreatment Coordinator access to the User's premises shall be a violation of this Resolution.

*\* For purposes of SECTION 7, the term Industrial Pretreatment Coordinator shall mean and include the Control Authority's Pretreatment Coordinator, its sampling technicians and any other personnel and/or consultants designated by the Pretreatment Coordinator.*

## 7.2 Monitoring Fees

- (1) Sample Collection Fees. Each User shall be assessed a fee by the Control Authority for the collection and analysis of sample(s) taken from the User's Building Sewer or discharge(s) as required under Section 6.4 of this Resolution. The amount shall be adjusted, where required, on an annual basis by the Control Authority through its User Rate Resolution.
- (2) Resampling Fees. Each User shall be assessed a resampling fee by the Control Authority for the collection and analysis of additional sample(s) taken from the User's Building Sewer or discharge(s). The amount shall be adjusted, where required, on an annual basis by the Control Authority through its User Rate Resolution.
- (3) Annual Facility Inspection Fees. Each User shall be assessed a fee by the Control Authority for the EPA required inspection of the User's facility(s). The amount shall be adjusted, where required, on an annual basis by the Control Authority through its User Rate Resolution.

## 7.3 Search Warrants

If the Industrial Pretreatment Coordinator has been refused any records or access to a building, structure, or property, or any part thereof, or if the Industrial Pretreatment Coordinator believes that there is a need to inspect and/or sample as part of a routine or specific inspection and sampling program of the Control Authority designed to verify compliance with this Resolution or any permit or order issued hereunder, or to protect the overall public health, safety and welfare of the community, then the Industrial Pretreatment Coordinator may seek issuance of a search warrant from the appropriate judicial authority.

## **SECTION 8 - CONFIDENTIAL INFORMATION**

Information and data pertaining to a User obtained from reports, surveys, Wastewater Discharge Permit Application Forms, Wastewater Discharge Permits, and monitoring programs, and from the Industrial Pretreatment Coordinator's inspection and sampling activities, shall be available to the public without restriction, unless the User specifically requests, and is able to demonstrate to the satisfaction of the Industrial Pretreatment Coordinator, that the release of such information would divulge information, processes, or methods of production entitled to protection as trade secrets under applicable State law. Any such request must be asserted at the time of submission of the information or data. When demonstrated by the User that such information should be held confidential and upon written request of the User, those portions of the information which disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. When any such information shall be furnished to a governmental agency, it shall be clearly identified as confidential information and shall be segregated from any non-confidential information. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **SECTION 9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The Industrial Pretreatment Coordinator shall publish annually, in the largest daily newspaper published within the boundaries of the service area of the POTW, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term significant noncompliance shall mean:

- (1) Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of Wastewater measurements taken during a six- (6) month period exceed the daily maximum limit or average limit for the same pollutant parameter by any amount;
- (2) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six-month (6) period equals or exceeds the product of the daily maximum limit or the average limit multiplied by the applicable criterion (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (3) Any other discharge violation that the Industrial Pretreatment Coordinator believes to have caused, alone or in combination with other discharges, interference or pass through, including endangering the health of Control Authority personnel or the general public;
- (4) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Industrial Pretreatment Coordinator's exercise of his emergency authority to halt or prevent such a discharge;



- (5) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (6) Failure to provide within thirty (30) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (7) Failure to accurately report noncompliance; or
- (8) Any other violation(s) which the Industrial Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

## **SECTION 10 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

### 10.1 Notification of Violation

When the Industrial Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Industrial Pretreatment Coordinator may serve upon that User a written Notice of Violation under the provisions of the Enforcement Response Plan Resolution. Within a maximum of thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the User to the Industrial Pretreatment Coordinator. 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 Industrial Pretreatment Coordinator to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### 10.2 Consent Orders

The Control Authority may enter into Consent Orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any User responsible for noncompliance. Such documents will include specific action to be taken by the User to correct the noncompliance within a time period specified by the document. Such documents shall have the same force and effect as the administrative orders issued pursuant to Sections 10.4 and 10.5 of this Resolution.

### 10.3 Show Cause Hearing

The Industrial Pretreatment Coordinator may order a User which has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the Industrial Pretreatment Coordinator and show cause why the proposed enforcement action should not be taken. Notice shall be served on the User specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the User show cause why the proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least ten

(10) days prior to the hearing. Such notice may be served on any authorized representative of the User. A show cause hearing shall not be a bar against, or prerequisite for, taking any other action against the User.

#### 10.4 Compliance Orders

When the Industrial Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Industrial Pretreatment Coordinator may issue an order to the User responsible for the discharge directing that the User come into compliance within a specified time. If the User does not come into compliance within the time provided, Wastewater service may be discontinued unless adequate treatment facilities, devices, or other related appurtenances are installed and properly operated. Compliance orders also may contain other requirements to address the noncompliance, including additional self-monitoring and management practices designed to minimize the amount of pollutants discharged to the Sewage System. A compliance schedule contained in any compliance order shall not be construed as an extension of the deadline for compliance established for any Pretreatment Standard or Requirement, nor does a compliance order relieve the User of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 10.5 Cease and Desist Orders

When the Industrial Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, or that the User's past violations are likely to recur, the Industrial Pretreatment Coordinator may issue an order to the User directing it to cease and desist all such violations and directing the User to:

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

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

#### 10.6 Administrative Fines and Civil Penalties

- (1) When the Industrial Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit or order issued hereunder, or any other pretreatment standard or requirement, the Industrial Pretreatment Coordinator may fine such User in an amount not to exceed the amount set forth in the Enforcement Response Plan Resolution or assess a civil penalty pursuant to the provisions of this Resolution for each violation regardless of jurisdictional boundaries. Such fines and/or penalties shall be assessed in accordance with the terms set forth in the Enforcement Response Plan Resolution. In the case of weekly, monthly or other long-term average discharge limits, fines and civil penalties shall be assessed for each day during the period of violation.

- (2) A lien against the User's property will be sought and other enforcement collection action may be taken for unpaid charges, fines, and penalties.
- (3) Users desiring to dispute such fines and/or civil penalties shall file a written request for the Industrial Pretreatment Coordinator to reconsider the fine/penalty along with the full payment of the fine/penalty amount within thirty (30) days of being notified of the fine and/or penalty. Where a request has merit, the Industrial Pretreatment Coordinator may convene a hearing on the matter. In the event the appeal is successful, the payment, together with any interest accruing thereto, shall be returned to the User. The Industrial Pretreatment Coordinator may add the costs of preparing administrative enforcement actions, such as notices and orders to the fine/penalty when the fine and/or penalty or a portion of same, is substantiated.
- (4) Issuance of an administrative fine shall not be a bar against, or a prerequisite for, taking any other action against the User.

#### 10.7 Administrative Appeal Procedure; Hearing Board

The following rules shall apply to all appeals of all notices of violation, fines and civil penalties issued under the Control Authority's Civil Penalty Assessment Policy, and/or adjudication's of the Control Authority:

- (1) All appeals must be perfected by: (a) filing a Notice of Appeal, in writing, with the Pretreatment Coordinator (Easton Area Joint Sewer Authority, 50-A South Delaware Drive, Easton, PA 18042) within thirty (30) days from the date of (i) notice of administrative order, (ii) notice of violation fines and civil penalty, or (iii) adjudication, as the case maybe; and by (b) forwarding to the Control Authority with the Notice of Appeal the amount of fine or civil penalty initially assessed by the Control Authority for placement in the Control Authority interest-bearing escrow account with any Pennsylvania bank, pending the outcome of the appeal. All interest earned shall go to the prevailing party.
- (2) Failure to perfect an appeal within the applicable time period shall result in a waiver of all legal rights to contest any violation or administrative order, the amount of any penalty, or any adjudication by the Control Authority.
- (3) In appeals involving the assessment of a fine or civil penalty, the Notice of Appeal must specify whether the issue appealed is the amount of the fine and/or penalty or the fact of violation, or both. Failure to specify an issue of appeal waives all legal rights to contest that issue on appeal.
- (4) All appeals will be heard pursuant to the Rules and Regulations of the Control Authority and the rules of evidence and procedure applicable under the Local Agency Law.
- (5) All appeals will be heard by a hearing board consisting of three (3) Control Authority Board members designated by the Control Authority Chairman.
- (6) Appeal panels may be appointed by the Control Authority Chairman as standing panels, or on a case-by-case basis, as determined from time to time, in the sole discretion of the Control Authority Chairman. The Control Authority Chairman may also designate an alternate member for any standing panel or case hearing panel.

- (7) Hearings shall be scheduled to commence within thirty (30) days from the date an appeal is perfected.
- (8) With regard to each appeal to be heard by a hearing board, the Control Authority shall publish a public notice of hearing pursuant to the requirements of the Sunshine Law, and all hearings shall be open to the public. The hearing panel may deliberate in private session but must vote upon the appeal and render a written decision and adjudication in public session.
- (9) Industrial users may further appeal an adjudication of the hearing board to the Court of Common Pleas of Northampton County, Pennsylvania, as provided by law.

#### 10.8 Emergency Suspensions

The Industrial Pretreatment Coordinator may immediately suspend a User's discharge, after informal 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. Immediately in this Section (10.8) means within a twenty-four (24) hour time period as prescribed by the Industrial Pretreatment Coordinator. The Industrial Pretreatment Coordinator may also immediately suspend a User's discharge, after notice and opportunity to respond within forty-eight (48) hours after notification, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- (1) Any User notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a User's failure to immediately comply voluntarily with the suspension order, the Industrial Pretreatment Coordinator may take such steps as deemed necessary, including immediate severance of the connection to the Sewage System, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The Industrial Pretreatment Coordinator may allow the User to recommence its discharge when the User has demonstrated to the satisfaction of the Industrial Pretreatment Coordinator that the period of endangerment has passed, unless the termination proceedings in Section 10.9 of this Resolution are initiated against the User.
- (2) A User that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the Industrial Pretreatment Coordinator prior to the date of any show cause or termination hearing under Sections 10.3 or 10.9 of this Resolution.

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

#### 10.9 Termination of Discharge

In addition to the provisions in Section 5.6 of this Resolution, any User who violates the following conditions may be subject to discharge termination in accordance with terms of this Resolution or the Enforcement Response Plan Resolution:

- (1) Violation of Wastewater Discharge Permit conditions;
- (2) Failure to accurately report the Wastewater constituents and characteristics of its discharge;
- (3) Failure to report significant changes in operations or Wastewater volume, constituents, and characteristics prior to discharge;
- (4) Refusal of reasonable access to the User's premises for the purpose of inspection, monitoring, or sampling; or
- (5) Violation of the pretreatment standards in Section 2 of this Resolution.

Such User will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 10.3 of this Resolution why the proposed action should not be taken. Exercise of this option by the Industrial Pretreatment Coordinator shall not be a bar to, or a prerequisite for, taking any other action against the User.

## **SECTION 11 - JUDICIAL ENFORCEMENT REMEDIES**

### **11.1 Injunctive Relief**

When the Industrial Pretreatment Coordinator finds that a User has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement, the Industrial Pretreatment Coordinator on behalf of the Control Authority, may petition the Court of Common Pleas of Northampton County, Pennsylvania, through the Control Authority's Attorney for appropriate legal and equitable relief, including the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the Wastewater Discharge Permit requirements, order, or other requirement imposed by this Resolution on activities of the User. Relief requested may also include requirements for environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a User.

### **11.2 Civil Penalties**

- (1) A User who has violated, or continues to violate, any provision of this Resolution, a Wastewater Discharge Permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the Control Authority for a maximum civil penalty of Twenty-five Thousand Dollars (\$25,000) per violation, per day. In the case of a weekly, monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation. Such penalty shall be assessed in accordance with this Resolution and the Enforcement Response Plan Resolution.
- (2) The Industrial Pretreatment Coordinator may recover reasonable attorneys' fees, court costs, and other expenses associated with enforcement activities, including sampling and monitoring expenses, and the cost of any actual damages incurred by the Control Authority.

- (3) In determining the amount of civil liability, there shall be taken into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, any economic benefit gained through the User's violation, corrective actions by the User, the compliance history of the User, and any other factor as justice requires.
- (4) Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a User.
- (5) In the event any User violation(s) results in the imposition of a fine or other penalty on the Control Authority by EPA, the state, or any other agency, such violation(s) shall be punishable by a civil penalty at less equal to the dollar amount imposed upon the Control Authority plus its administrative, legal, engineering costs, and expenses, but not more than \$25,000, per day, per violation.

### 11.3 Criminal Prosecution

A User who willfully or negligently violates any provision of this Resolution, a Wastewater Discharge Permit, or order issued hereunder, or who willfully or negligently introduces any substance into the POTW which causes personal injury or property damage, or 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 this Resolution, a Wastewater Discharge Permit or order issued under this Resolution or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method required under this Resolution, may be subject to criminal prosecution in accordance with the applicable provisions of the Pennsylvania Crimes Code, 18 P.C.S. Section 101 et seq.

### 11.4 Remedies Nonexclusive

The remedies provided for in this Resolution are not exclusive. The Industrial Pretreatment Coordinator may take any, all, or any combination of these actions against a noncompliant User. Enforcement of pretreatment violations will be in accordance with the Control Authority's Enforcement Response Plan Resolution. However, the Industrial Pretreatment Coordinator may take other action against any User when the circumstances warrant. Further, the Industrial Pretreatment Coordinator is empowered to take more than one enforcement action against any noncompliant User. Where the Enforcement Response Plan Resolution does not provide guidelines on enforcement action for a specific instance of noncompliance, the Industrial Pretreatment Coordinator may impose other appropriate enforcement action to address the noncompliance.

## **SECTION 12 - SUPPLEMENTAL ENFORCEMENT ACTION**

### 12.1 Civil Penalties Assessment Policy

- (1) Pursuant to the provisions of Act 9 of 1992, the Publicly Owned Treatment Works Penalty Law, providing for enhanced penalty authority for publicly owned treatment works' which are authorized to enforce industrial pretreatment standards for industrial waste discharges, and in addition to proceeding under any other remedy available at law or equity for violation of pretreatment standards and/or requirements, the Control Authority, as the operator of a publicly owned treatment works, may assess a civil penalty

upon an User for violation of any of the terms and provisions of the Resolution. The penalty may be assessed whether or not the violation was willful or negligent. The civil penalty shall not exceed Twenty Five Thousand Dollars (\$25,000) per day for each violation, regardless of jurisdictional boundaries. Each violation for each separate day shall constitute a separate and distinct offense under this Section.

- (2) As part of any notice of assessment of civil penalties issued by the Control Authority to an User, there shall also be included a description of the applicable appeals process to be followed, including the name, address and telephone number of the person responsible for accepting such appeal, on behalf of the Control Authority.
- (3) For purposes of this Section, a single operational upset which leads to simultaneous violations of more than one pretreatment standard or requirement shall be treated as a single violation as required by Federal Water Pollution Control Act. The Control Authority may, however, recover its cost for reestablishing the operation of the POTW Treatment Plant in addition to any civil penalty imposed under this Section.
- (4) The civil penalty provided for in this Resolution is the formal, written civil penalty assessment policy of the Control Authority and shall be publicly available. Each User participating in the pretreatment program shall be given written notice of the policy. The penalty assessment policy shall consider:
  - (a) damage to air, water, land or other natural resources of the Commonwealth of Pennsylvania and their uses arising from discharge from Users to the POTW;
  - (b) cost of restoration and abatement;
  - (c) savings resulting to the person in consequence of the violation;
  - (d) history of past violations;
  - (e) deterrence of future violations; and
  - (f) other relevant factors.
- (5) Uses for Penalties. All civil penalties collected pursuant to this Section shall be placed by the Control Authority in a restricted account and shall only be used by the Control Authority and the POTW for the following uses:
  - (a) the repair of damage and any additional maintenance needed or any additional cost imposed as a result of the violation for which the penalty was imposed;
  - (b) pay any penalties imposed on the Control Authority or the POTW by the Federal or State government for violation of Pretreatment Standards;
  - (c) for the cost incurred by the Control Authority or POTW to investigate and take the enforcement action that resulted in a penalty being imposed;
  - (d) for the monitoring of discharges in the pretreatment program and for capital improvements to the POTW Treatment Plant, including Sewage System, which may be required by the pretreatment program; and

- (e) any remaining funds may be used for capital improvements to the POTW Treatment Plant, including Sewage System.
- (6) Appeal. A User assessed with a civil penalty under the terms of this Section shall have the right to appeal such action pursuant to the Administrative Appeal Procedure provisions of Section 10.7 of this Resolution.
- (7) The penalty authorized in this Section is intended to be concurrent and cumulative, and the provisions of this Section shall not abridge or alter any right of action or remedy, now or hereafter existing in equity, or under the common law or statutory law, criminal or civil, available to person, the Control Authority, or the State.

## 12.2 Falsifying Information

Any person who knowingly makes any false statements, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to this Resolution or Wastewater Discharge Permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this Resolution, shall be prosecuted in accordance with the provisions of the Pennsylvania Crimes Code pertaining to perjury and falsification in official matters pursuant to 18 Pa. C.S.A. 4901 et seq.

## **SECTION 13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

### 13.1 Upset

- (1) For the purposes of this section, "upset" means an exceptional incident in which there is unintentional and temporary noncompliance with categorical pretreatment standards because of factors beyond the reasonable control of the User. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (2) An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (3), below, are met.
- (3) A User who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (a) An upset occurred and the User can identify the cause(s) of the upset;
  - (b) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (c) The User has submitted the following information to the Industrial Pretreatment Coordinator within twenty-four (24) hours of becoming aware of the upset. If this information is provided orally, a written submission must be provided within five (5) days:
    - 1. A description of the indirect discharge and cause of noncompliance;



2. The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and
  3. Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- (4) In any enforcement proceeding, the User seeking to establish the occurrence of an upset shall have the burden of proof.
  - (5) Users will have the opportunity for a judicial determination on any claim of upset only in an enforcement action brought for noncompliance with categorical pretreatment standards.
  - (6) Users shall control production or all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided.

This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

### 13.2 Prohibited Discharge Standards

A User shall have an affirmative defense to an enforcement action brought against it alleging a violation of the general prohibitions in Section 2.1 of this Resolution or the specific prohibitions in Sections 2.2 of this Resolution except 2.2(1), (2) and (8), if it can demonstrate that it did not know, or have reason to know, that its discharge, alone or in conjunction with discharges from other sources, would cause pass through or interference and that either:

- (1) A local limit exists for each pollutant discharged and the User was in compliance with each limit directly prior to, and during, the pass through or interference; or
- (2) No local limit exists, but the discharge did not change substantially in nature or constituents from the User's prior discharge when the Control Authority was regularly in compliance with its NPDES permit, and in the case of interference, was in compliance with applicable sludge use or disposal requirements.

### 13.3 Bypass

- (1) For the purposes of this section,
  - (a) "Bypass" means the intentional diversion of waste streams from any portion of a User's treatment facility.
  - (b) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.
- (2) A User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure

efficient operation. These bypasses are not subject to the provision of paragraphs (3) and (4) of this section.

- (3) (a) If a User knows in advance of the need for a bypass, it shall submit prior notice to the Industrial Pretreatment Coordinator, at least ten (10) days before the date of the bypass, if possible.
  - (b) A User shall submit oral notice to the Industrial Pretreatment Coordinator of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass.
- (4) (a) Bypass is prohibited, and the Industrial Pretreatment Coordinator may take an enforcement action against a User for a bypass, unless:
    1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventive maintenance; and
    3. The User submitted notices as required under paragraph (3) of this Section.
  - (b) The Industrial Pretreatment Coordinator may approve an anticipated bypass, after considering its adverse effects, if the Industrial Pretreatment Coordinator determines that it will meet the three conditions listed in paragraph (4)(a) of this section.

#### **SECTION 14 - SEVERABILITY**

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

#### **SECTION 15 – MEMBER MUNICIPALITY APPROVAL AND CONSENT**

Following initial approval of this Pretreatment Program Policy, Rules and Regulations (“the Policy”) by the Easton Area Joint Sewer Authority member municipalities, the Control Authority may amend and supplement the Policy as it deems appropriate and the initial member municipality approval shall be deemed to be an advance consent to and approval of such further amendments and supplements as the Control Authority shall deem to be appropriate.

**SECTION 16 - EFFECTIVE DATE**

This Resolution shall take effect immediately on approval by EPA and shall be in force from and after its approval in accordance with the provisions of the Control Authority's appropriate regulations.

ENACTED this 19th day of October, 1998 by the Easton Area Joint Sewer Authority.

Larry Koehler, Secretary

Samuel B. Becker, Chairman

This Resolution was REVISED on \_\_\_\_\_ day of \_\_\_\_\_, 1999 by the Easton Area Joint Sewer Authority.

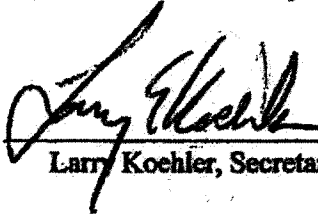
Carl J. Brown, Secretary

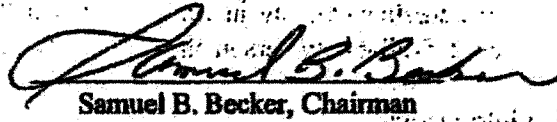
Samuel B. Becker, Chairman

**SECTION 16 - EFFECTIVE DATE**


This Resolution shall take effect immediately on approval by EPA and shall be in force from and after its approval in accordance with the provisions of the Control Authority's appropriate regulations.

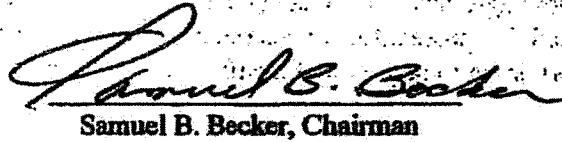
ENACTED this 19th day of October, 1998 by the Easton Area Joint Sewer Authority.

  
Larry Koehler, Secretary

  
Samuel B. Becker, Chairman

This Resolution was REVISED on 19~~th~~ day of July, 1999 by the Easton Area Joint Sewer Authority.

  
Carl J. Brown, Secretary

  
Samuel B. Becker, Chairman

**RESOLUTION NO. 2002-0819-E  
EASTON AREA JOINT SEWER AUTHORITY  
JULY 19, 2002**

**COMPLIANCE RECOGNITION PROGRAM -  
REDUCED MONITORING**

**Resolved**, that the Easton Area Joint Sewer Authority hereby adopts the following rules, regulations, requirements and procedures relative to the Compliance Recognition Program and associated reduced monitoring requirements:

## COMPLIANCE RECOGNITION PROGRAM - REDUCED MONITORING

In 1998 the EAJSA IPP initiated a Compliance Recognition Program. The program was designed to recognize permitted industries that have exhibited complete compliance with their individual discharge permit and the EAJSA Rules & Regulations for an entire calendar year. To date the program has included a Certification of Recognition and notice in the local newspaper.

As an added incentive to the Compliance Recognition Program the EAJSA will be offering a reduced monitoring plan which would include the following requirements and implementation procedures:

- The industry must be in complete compliance with the EAJSA Rules & Regulations and their individual industrial discharge permit for two (2) consecutive calendar years (start date to be determined by EAJSA).

Complete compliance is defined as a user being consistently below 80% of their limit for Arsenic, Cadmium, Chromium, Copper, Cyanide, Lead, Mercury, Nickel, Total Oil & Grease, Petroleum Oil & Grease, Phenols, Silver, and Zinc.

For pH, Color, and any other specific limitations complete compliance is based on the limits outlined in the user's individual discharge permit.

- Reduced monitoring would be for routine compliance testing parameters only (does not include surcharge or investigative sampling).
- Any compliance issues would cause the industry to be returned to its original or more stringent monitoring schedule immediately.
- The reduced monitoring schedule for Significant Industrial Users would be semi-annual and for Minor Industrial Users would be annual.
- The reduced monitoring does not apply to Federal Categorical Monitoring Requirements.
- The EAJSA reserves the right to modify the procedures to ensure the integrity of the POTW.

## NEW LANGUAGE FOR EAJSA RULES & REGULATIONS

### **(Modification)**

6.4 (1) All Significant and Non-Significant Users shall at a frequency determined by the Industrial Pretreatment Coordinator, but in no case less than semi-annually for Significant Industrial Users and annual for Non-Significant industrial users, submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and/or contained in a valid Wastewater Discharge Permit and the measured or estimated average and maximum daily wastewater flows for the reporting period.

### **(Addition)**

6.4 (4) Except as provided in paragraph 3 of this Section, where the Control Authority has elected to conduct monitoring in lieu of requiring monitoring by the user, the user will not be required to submit the periodic compliance report for that period.

## EFFECTIVE DATE

This Resolution shall take effect and shall be enforce from and after its approval in accordance with the provisions of the Control Authority's appropriate regulations.

ENACTED this 19 day of August, 2002 by the Easton Area Joint Sewer Authority.

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Carl J. Brown, Secretary

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Samuel B. Becker, Chairman

**RESOLUTION NO. 2002-0819-F  
EASTON AREA JOINT SEWER AUTHORITY  
JULY 19, 2002**

**WASTEWATER COLOR LIMITATIONS**

**Resolved**, that the Easton Area Joint Sewer Authority hereby adopts the following rules, regulations, requirements and procedures relative to color limitations and variances from wastewater color limitations requirements:



# WASTEWATER COLOR LIMITATIONS

## SECTION 1 - GENERAL PROVISIONS

### 1.1 Purpose and Policy

This Resolution sets forth uniform requirements for Users of the Publicly Owned Treatment Works of the Easton Area Joint Sewer Authority and enables the Control Authority to comply with all applicable State and Federal laws, including the Clean Water Act (33 United States Code § 1251 *et seq.*) and the General Pretreatment Regulations (40 CFR, Part 403).

The objectives of this Resolution are:

- (1) To prevent the introduction of pollutants into the Publicly Owned Treatment Works which will interfere with its operation;
- (2) To prevent the introduction of pollutants into the Publicly Owned Treatment Works that will pass through the Publicly Owned Treatment Works, inadequately treated, into receiving waters or the atmosphere, or otherwise be incompatible with the Publicly Owned Treatment Works;
- (3) To protect both Publicly Owned Treatment Works personnel who may be affected by Wastewater, sludge and incinerator waste, in the course of their employment and the general public;
- (4) To enable the Control Authority to comply with its National Pollutant Discharge Elimination System permit conditions, incinerator discharge and disposal requirements, and any other Federal or State laws to which the Publicly Owned Treatment Works is subject.

### 1.2 Administration

This Resolution provides for the regulation of color for all Users of the Publicly Owned Treatment Works and requires that they obtain a Wastewater Discharge Permit under **Resolution No. 2002-0819-F**.

This Resolution shall apply to all persons outside the jurisdiction of the Control Authority who are, by contract or agreement with the Control Authority, Users of the Publicly Owned Treatment Works of the Control

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

### 1.3 Abbreviations and Acronyms

The abbreviations and acronyms, when used in this Resolution, shall have the same designated meanings as provided in **Resolution No. 2002-0819-F**.

### 1.4 Definitions

Unless a provision explicitly states otherwise, the terms and phrases, as used in this Resolution, shall have the same meanings designated in **Resolution No. 2002-0819-F**. In addition, the following definition, as used in this Resolution, shall have the meanings hereinafter designated:

Colored Wastewater. Wastewater containing true color from any source and of any hue, identified by purity and luminescence determined by using the spectrophotometric or tristimulus methods.

## **SECTION 2 - GENERAL SEWER USE REQUIREMENTS**

### 2.1 General Prohibitions and Standards.

No User shall contribute, introduce, or cause to be contributed or introduced, directly or indirectly, into the POTW any pollutant or Wastewater which causes pass through or interference. These general prohibitions apply to all Users of the POTW whether or not the User is subject to categorical pretreatment standards or any other National, State, or local Pretreatment Standards or Requirements.

## 2.2 Specific Prohibitions/Limits.

- (1) Where a User has a Wastewater discharge that contains true color from any source and of any hue:
  - a. with less than the equivalent luminescence and greater than the equivalent purity of a 500 unit platinum-cobalt stock standard, as determined by the spectrophotometric\* or tristimulus\* methods (Equivalent values shall be determined at the dominant wavelength of the sample and compared to the values determined at the dominant wavelength of the stock standard.), or

\* *Analysis shall be performed at ambient (as received) pH only.*

- b. that is not removed in the POTW process, or
- c. that causes the Plant effluent to have a true color in excess of 100 units on the platinum-cobalt scale, or its equivalent;

the User shall not discharge such Wastewater to the POTW without prior written approval of the Control Authority.

- (2) Where a User does not meet Section 2.2 (1) a. and does meet Sections 2.2 (1) b. and c., they may apply, in writing, to the Control Authority to discharge wastewater with higher color unit values. Should the Control Authority approve such a discharge, the User shall monitor their discharge in a manner established by the Control Authority. Approval will be in writing by the EAJSA in the form of a permit modification. Failure to monitor in a manner established by the Authority or exceeding the higher interim limit established by the Authority shall subject the user to the Control Authority's **Resolution No. 2002-0819-F, Enforcement Response Plan.**
- (3) Where the Control Authority observes any visible color in its influent flow, it shall have the right to issue an Administrative Order to any or all Users, at its sole discretion, to reduce the color of their discharge to limits established in Section 2.2 (1) a. within seven (7) days of written notification.
- (4) Where in the sole judgement of the Control Authority, Wastewater or Wastewaters with sufficient color are being discharged which is not being removed in the POTW process and causes the Plant effluent to have a true color in excess of 100 units on the platinum-cobalt scale, the

Control Authority reserves the right to reduce the color unit limit as described in Section 2.2 (1) a. to a lower value and shall require all Users to comply with these new limits within thirty (30) days of notification. Failure to comply shall subject the User to the Control Authority's **Resolution No. 2002-0819-F, Enforcement Response Plan.**

### **SECTION 3 - SEVERABILITY**

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

### **SECTION 4 - EFFECTIVE DATE**

This Resolution shall take effect and shall be enforce from and after its approval in accordance with the provisions of the Control Authority's appropriate regulations.

ENACTED this 19 day of August, 2002 by the Easton Area Joint Sewer Authority.

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Carl J. Brown, Secretary

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Samuel B. Becker, Chairman

## WASTEWATER COLOR LIMITATIONS VARIANCE IMPLEMENTATION PROCEDURES

As referenced in the EAJSA's Resolution No. 2002-0819-F the following implementation procedures evaluate a color limit variance:

- 1) Any Industrial User (IU) with a total flow less than or equal to 500,000 gpd (5% of the WWTP's hydraulic design capacity) and a discharge quality not exceeding the color limit (less than the equivalent luminescence and greater than the equivalent purity of a 500 unit platinum-cobalt stock standard) at the dilution ratios listed below, will be eligible to apply for a variance:

<u>IU Flow (gpd)</u>	<u>Dilution Ratio</u>
<10,000	20:1
10,000 to 50,000	10:1
50,000 to 500,000	5:1

On a case-by-case basis, in the event of extraordinary circumstances, the IPP Coordinator may allow IUs who do not meet the criteria above to apply for a variance.

- 2) The IU must submit a written request for a variance to the color limit which must include an explanation for the basis for the variance, production information, discharge quality and quantity, discharge variability, discharge data from other similar facilities owned by the IU (if applicable), compliance history, level of exceedances, pretreatment options and costs and any other information deemed necessary by the IPP Coordinator.
- 3) The IPP Coordinator will review the request for a variance to the color limit within 30 days of receipt and will schedule a technical meeting between representatives of the EAJSA and the IU. The purpose of this meeting will be to discuss site specific issues associated with the variance, to determine whether or not additional studies (e.g., impact, treatability, etc.) may be required and to develop a schedule for completion of any required study(s).
- 4) A decision to approve or deny a variance to the color limit will be made within 60 days of receipt of all required information from the IU. The approval of a color limit variance and level of relaxation afforded to the IU will be made on a case-by-case basis using the

## WASTEWATER COLOR LIMITATIONS VARIANCE IMPLEMENTATION PROCEDURES CONTINUED

information obtained in Item Nos. (2) and (3) above. Any variance will be approved in writing as a permit modification and the basis for the said modification will be documented in the User's file.

- 5) The IU will still be required to comply with the EAJSA's existing color limit until such time that a variance to the color limit is approved.
- 6) The WWTP does not have an NPDES permit limit for color. DRBC water quality regulations include an effluent standard of 100 cpu for color for municipal wastewater effluents. When a variance is granted, the WWTP will record any unusual visual observations of the color of the plant influent and effluent. If necessary, a grab sample of the effluent will be collected and analyzed for color to track compliance with the 100 cpu DRBC standard.

As indicated in the draft Color Resolution, IUs will be required to comply with increased monitoring frequencies for color. The following color monitoring schedule will be followed (based on discharge flow) when a variance is granted:

<u>IU Flow (gpd)</u>	<u>Color Monitoring Frequency</u>
<1,000	Once per Month
1,000 to 10,000	Twice per Month
10,000 to 25,000	Once per Week
25,000 to 500,000	Twice per Week

If the IPP Coordinator determines that sufficient monitoring data has been obtained, the IPP Coordinator may elect to reduce the color monitoring frequency for an IU.

As a matter of information, PADEP water quality regulations include instream criteria for color as follows: 50 cpu for protection of aesthetics and 75 cpu for water supply protection. Based on dilution and the fact that there are no potable water supply intakes located along the Delaware River in a close downstream proximity to the WWTP's outfall, these PADEP criteria are not of concern. We also do not anticipate that an industrial discharge with excessive amounts of color will cause interference or other problems at the WWTP.

RESOLUTION NO. 2007 - 11-19-A

**AN RESOLUTION OF THE EASTON AREA JOINT SEWER AUTHORITY, NORTHAMPTON COUNTY PENNSYLVANIA, AMENDING RESOLUTION 1998-10-19-A WHICH PROVIDES UNIFORM REQUIREMENTS FOR USERS OF THE AUTHORITY'S WASTEWATER TREATMENT AND COLLECTION SYSTEM TO INCORPORATE REVISIONS MADE TO THE FEDERAL PART 403 REGULATIONS.**

*The Easton Area Joint Sewer Authority hereby ordains:*

**A. The definitions, abbreviations and acronyms used in this Resolution shall be the same as those found in Authority Resolution No. 1998-10-19-A.**

**B. Slug Control.**

1. Definition No. 48 on Page No. 8 of Resolution No. 1998-10-19-A is amended to read as follows.

Slug Discharge - Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the Authority's regulations, prohibited discharge standards in this Resolution, local limits or NPDES permit conditions.

2. Section 2.9 on Page No. 13 of Resolution No. 1998-10-19-A is amended to read as follows.

An Accidental Discharge/Slug Control Plan, as prescribed under 40 CFR 408.8 (f) (2) (vi), may be required:

- (a) For all New Sources/New Users. Where required by the IPP Coordinator, detailed plans showing facilities and operating procedures to provide protection from accidental discharges or slugs shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility.
- (b) For Existing Sources/New Users. The IPP Coordinator shall evaluate whether each new User needs an Accidental Discharge/Slug Control

Plan within one year of the date on inclusion in the Industrial Pretreatment Program.

- (c) For Existing Sources/Existing Users. The IPP Coordinator shall evaluate whether each User needs an Accidental Discharge/Slug Control Plan on a routine basis.

If an Accidental Discharge/Slug Control Plan is required, the IPP Coordinator may require any User to develop, submit for approval, and implement such a plan. Alternatively, the IPP Coordinator may develop such a plan for any User. An Accidental Discharge/Slug Control Plan shall address, at a minimum, the following:

- (a) Description of discharge practices, including non-routine batch discharges;
- (b) Description of stored chemicals;
- (c) Procedures for immediately notifying the IPP Coordinator of any accidental or slug discharge;
- (d) Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures shall include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

When an existing source is required by the IPP Coordinator to provide and/or modify an Accidental Discharge/Slug Control Plan, the User shall provide the plan within sixty (60) days of notification. Should the plan require construction or implementation of measures to meet compliance, the plan shall provide a schedule for those actions. After initial review, should additional information be required to provide a complete plan, it shall be furnished to the IPP Coordinator within thirty (30) days. Failure to submit a revised plan and/or failure to provide a complete plan after the 30 day submission period may render the Wastewater Discharge Permit void.

The Authority's review and approval of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Resolution.

If not specifically required by the IPP Coordinator, the information, requirements, etc., called for in a plan are not waived by the Authority and the User shall, in their own and sole judgment provide all necessary items,



procedures, etc., to prevent any accidental discharge and/or slug discharge to the POTW.

All Users are required to notify the Authority immediately of any changes at their facilities affecting the potential for an accidental discharge and/or slug discharge to the POTW.

The IPP Coordinator may allow a DEP approved Pollution Prevention Control Plan to substitute for all or a portion of the Accidental Discharge/Slug Control Plan requirements.

3. Section 9.0 on Page Nos . 31 and 32 of Resolution No. 1998-10-19-A is amended to read as follows.

The IPP Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements. The term significant noncompliance shall mean:

- (a) Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of Wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l).
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the IPP Coordinator 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 health and welfare or to the environment, or has resulted in the IPP Coordinator's exercise of his/her emergency authority to halt or prevent such a discharge;

- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include violation of Best Management Practices, which the IPP Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

(4.) Revise Section 5.2(2)(c) to replace “spill control plans” with Accidental Discharge/Slug Control Plan

**C. Best Management Practices (BMPs).**

1. Add a new Definition No. 56 on Page No. 9 of Resolution No. 1998-10-19-A which reads as follows.

Best Management Practices (BMPs) or Management Practices - The term Best Management Practices (or BMPs) means schedules of activities, prohibition of practices, maintenance procedures and other management practices to implement the prohibitions listed in Sections 2.1 and 2.2 of the EAJSA Rules and Regulations. BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

2. Add a new Section 2.11 on Page No. 14 of Resolution No. 1998-10-19-A which reads as follows.

Best Management Practices (BMPs) - The Authority, at its sole discretion, may develop BMPs. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of 40 CFR 403 and Section 307 (d) of the Clean Water Act. The Authority, also at its sole discretion, may allow a User to implement BMPs to meet the prohibitions listed in Sections 2.1 and 2.2 of the EAJSA Rules and Regulations.

3. Add a new Section 6.4 (4) on Page No. 26 of Resolution No. 1998-10-19-A which reads as follows.

If a User must implement a BMP to comply with Federal Pretreatment Standards or Requirements or any other condition of this Resolution, the User shall submit any and all documentation necessary to demonstrate compliance with the BMP as well as any other information required by the Authority to the IPP Coordinator at the frequency specified by the IPP Coordinator to evaluate compliance. The Authority may also require any User to submit any information or data at any frequency it deems necessary to determine compliance with this Resolution.

4. Add new condition 6.1(2)(e)(4) that reads “Any and all information and data necessary to demonstrate compliance with BMP’s”.
5. Section 6.12 on Page No. 28 of Resolution No. 1998-10-19-A is amended to read as follows.

Record Keeping - Users subject to the reporting requirements of this Resolution shall maintain, and make available for inspection and copying by the IPP Coordinator, all records of information obtained pursuant to any monitoring activities required by this Resolution, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements and records associated with implementation of BMPs. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses and any other information or data deemed necessary by the Authority. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the Authority, or where the User has been specifically notified of a longer retention period by the IPP Coordinator.

#### **D. Sampling Requirements.**

1. Amend Paragraph No. 1 of Section 7.1 on Page No. 29 of Resolution No. 1998-10-19-A to read as follows.

The Industrial Pretreatment Coordinator and the Control Authority’s sampling technicians shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this Resolution and any Wastewater Discharge permit or order issued hereunder, at any time or frequency deemed necessary by the IPP Coordinator.\* Users shall allow the Industrial Pretreatment Coordinator ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties required under this Resolution. A User shall not obstruct, block or otherwise interfere with access to the sampling point(s).

*\*For purposes of Section 7 the term Industrial Pretreatment Coordinator shall mean and include the Control Authority's Pretreatment Coordinator, its sampling technicians and any other Personnel and/or consultants designated by the Pretreatment Coordinator.*

**ENACTED** by the Easton Area Joint Sewer Authority on the

       **DAY OF**   , **2007.**

ATTEST: THE EASTON AREA JOINT SEWER AUTHORITY

\_\_\_\_\_  
\_\_\_\_\_  
CARL BROWN,  
SECRETARY

SAMUEL B. BECKER  
CHAIRMAN

NO. 2007-11-19-A

**BY: The Easton Area Joint Sewer Authority**

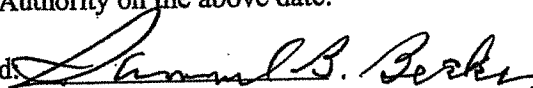
## **RESOLUTION**

*Resolved*, by the Easton Area Joint Sewer Authority, that at the November 19, 2007 Board Meeting,

The Easton Area Joint Sewer Authority adopt a resolution for amending Resolution 1998-10-19-A which provides uniform requirements for users of the Authority's Wastewater Treatment Plant and collection system to incorporate revisions made to the Federal Part 403 Regulations.

This is to certify that the above Resulotion was adopted by the Authority on the above date.

Signed

  
Chairman

RESOLUTION NO. 2007-11-19-B

**AN RESOLUTION OF EASTON AREA JOINT SEWER AUTHORITY, NORTHAMPTON COUNTY PENNSYLVANIA, AMENDING RESOLUTION 1998-10-19-B WHICH PROVIDES UNIFORM ENFORCEMENT RESPONSES FOR VIOLATIONS OF THE AUTHORITY'S WASTEWATER PRETREATMENT REQUIRMENTS TO INCORPORATE REVISIONS MADE TO THE FEDERAL PART 403 REGULATIONS.**

*The Easton Area Joint Sewer Authority hereby ordains:*

- A. The definitions, abbreviations and acronyms used in this Resolution shall be the same as those found in Resolution No. 1998-10-19-A.**
- B. Significant Noncompliance (SNC).**
  - 1. Definition (z.) on Page No. 6 of Resolution No. 1998-10-19B is amended to read as follows.

Significant Noncompliance (SNC) - An Industrial User or User is in significant noncompliance if its violation meets one or more of the specific criteria set forth in 40 CFR 403.8 (f) (2) (viii). For purposes of this definition, a User is in significant noncompliance if its violations meets one or more of the following criteria:

- (a) Chronic violations of Wastewater discharge limits, defined here as those in which sixty-six percent (66%) or more of Wastewater measurements taken during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l).
- (b) Technical Review Criteria (TRC) violations, defined here as those in which thirty-three percent (33%) or more of Wastewater measurements taken for each pollutant parameter during a six (6) month period equals or exceeds the product of the numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3 (l) multiplied by the applicable criterion (1.4 for BOD, CBOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- (c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3 (l) (daily maximum, long-term average, instantaneous limit or narrative standard) that the Pretreatment Coordinator determines has caused,

alone or in combination with other discharges, interference or pass through (including endangering the health of City/Township personnel or the general public);

- (d) Any discharge of pollutants that has caused imminent endangerment to the public health and welfare or to the environment, or has resulted in the Pretreatment Coordinator's exercise of his/her emergency authority to halt or prevent such a discharge;
- (e) Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a Wastewater Discharge Permit or enforcement order for starting construction, completing construction, or attaining final compliance;
- (f) Failure to provide within forty-five (45) days after the due date, any required reports, including baseline monitoring reports, reports on compliance with categorical pretreatment standard deadlines, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (g) Failure to accurately report noncompliance; or
- (h) Any other violation(s), which may include violation of Best Management Practices, which the Pretreatment Coordinator determines will adversely affect the operation or implementation of the local pretreatment program.

**C. Slug Control.**

1. Add new definition (ag.) on Page No. 7 of Resolution No. 1998-10-19B which reads as follows.

Slug Discharge - Any pollutant released in a discharge at a flow rate or concentration which will cause a violation of the specific discharge prohibitions in 40 CFR 403.5 (b) and/or any discharge of non-routine nature, episodic nature, including but not limited to accidental spills or non-customary batch discharges, which has a reasonable potential to cause interference or pass through, or in any other way violate the Authority's regulations, prohibited discharge standards in the Rules and Regulations, local limits or NPDES permit conditions.

**D. Best Management Practices (BMPs).**

1. Add a new Definition (ah.) on Page No. 7 of Resolution No. 1998-10-19B which reads as follows.

Best Management Practices (BMPs) - The term Best Management Practices (or BMPs) means schedules of activities, prohibition of practices, maintenance

procedures and other management practices to implement the prohibitions listed in 40 CFR 403.5 (a) (1) and (b). BMPs also include treatment requirements, operating procedures and practices to control plant site runoff, spillage or leaks, sludge or waste disposal or drainage from raw materials storage.

The Authority, at its sole discretion, may develop BMPs. Such BMPs shall be considered local limits and Pretreatment Standards for the purposes of 40 CFR 403 and Section 307 (d) of the Clean Water Act. The Authority, also at its sole discretion, may allow a User to implement BMPs to meet the prohibitions listed in Sections 2.1 and 2.2 of it's Rules and Regulations.

Non-compliance with BMPs shall be considered exceedances of permit limits and enforcement will be implemented in accordance with the steps shown for "Discharge Limit Violations" in the Summary of Enforcement Response Procedures.

**E. Public Notification and Reporting of SNC.**

1. The first paragraph in Section 4. on Page No. 13 of Resolution No. 1998-10-19B is deleted and replaced with the following language:

The Pretreatment Coordinator shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdiction served by the POTW, a list of the Users which, during the previous twelve (12) months, were in significant noncompliance with applicable Pretreatment Standards and Requirements.

**ENACTED** by the Easton Area Joint Sewer Authority on the

\_\_\_\_ **DAY OF** \_\_\_\_\_, **2007.**

**ATTEST: EASTON AREA JOINT SEWER AUTHORITY**

\_\_\_\_\_  
**CARL BROWN,**  
**SECRETARY**

\_\_\_\_\_  
**SAMUEL B. BECKER**  
**CHAIRMAN**



**NO. 2007-11-19-B**

**BY: The Easton Area Joint Sewer Authority**

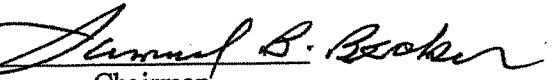
## **RESOLUTION**

*Resolved*, by the Easton Area Joint Sewer Authority, that at the November 19, 2007 Board Meeting,

The Easton Area Joint Sewer Authority adopt a resolution for amending Resolution 1998-10-19-B which provides uniform enforcement responses for violations of the Authority's Wastewater Pretreatment requirements to incorporate revisions made to the Federal Part 403 Regulations.

This is to certify that the above Resolotion was adopted by the Authority on the above date.

Signed:

  
Chairman