

**RULES AND REGULATIONS  
GOVERNING WASTEWATER SERVICES**

**WILLIAMSPORT SANITARY AUTHORITY  
253 West Fourth Street  
Williamsport, PA 17701  
570-323-6148**

A resolution imposing sewer connection charges and sewer rental or charges for the use of sewers, sewer system and sewage treatment works upon the owners of property served or to be served thereby; providing for the collection thereof and filing of liens therefor and adopting rules and regulations fixing the terms of service.

Originally adopted April 29, 1953  
Amendment #15 December 17, 2008  
REVISED September 24, 2014

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**RULES AND REGULATIONS  
GOVERNING WASTEWATER SERVICES  
WILLIAMSPORT SANITARY AUTHORITY**

**SECTION 1. GENERAL PROVISIONS**

**1.1 Purpose and Policy**

These Rules and Regulations set forth the terms and conditions of service for the use of the Publicly Owned Treatment Works (POTW) of the Williamsport Sanitary Authority (WSA). Sewer connection charges, application and inspection fees, sewer charges for sewage services which will be adopted and revised, as necessary, and published as a separate schedule of rates (Appendix I). Sections 1 through 4 apply to all City of Williamsport users of the WSA POTW and Section 5 more specifically applies to all users which discharge or may discharge non-domestic wastewater to the WSA POTW.

The objectives of these Rules and Regulations are:

- (a) To establish terms and conditions for the use of the POTW of the Williamsport Sanitary Authority and of the sewer services of the Williamsport Sanitary Authority, to provide for the enforcement of these Rules and Regulations and to provide for the adoption of sewer connection charges and sewer rentals or charges for the use of the POTW;
- (b) To enable the Williamsport Sanitary Authority and those municipalities served thereby to comply with all applicable state and federal regulations required by the Federal Water Pollution Control Act of 1972 as amended by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR Part 403) or any subsequent amendments or revisions;
- (c) To protect the POTW of the Williamsport Sanitary Authority from the pollutants which would damage or interfere with the operation of the works, including the processes of the treatment works, would contaminate sludges resulting from the wastewater treatment processes in such a way as to impair the disposal, recycling or reuse of such sludges, would pass through the works inadequately treated into the West Branch of the Susquehanna River, or would in any other way be incompatible with the works;
- (d) To provide for the regulation of all direct and indirect users of the POTW through the issuances of permits to certain Non-domestic Users and through enforcement of general requirements for other Users, and to authorize monitoring and enforcement activities, and require user reporting.

**1.2 General Definitions**

The following terms shall have the meanings specified unless the context clearly otherwise requires:

- A. "Authority" or "WSA" - The Williamsport Sanitary Authority including its Executive Director acting under his administrative authority.
- B. "Board" - The governing body of the Williamsport Sanitary Authority.
- C. "Carbonaceous Biochemical Oxygen Demand (CBOD<sub>5</sub>)" - A measure of the quantity of oxygen utilized in the biochemical oxidation of organic matter of a sample for a time period of five (5) days at 20° centigrade, inhibited to not include nitrogenous oxygen demand, expressed in terms of weight and concentration (milligrams per liter). The test shall be as specified by

standard laboratory procedures (see Note 1).

- D. "City" - The City of Williamsport, Pennsylvania
- E. "Indirect Discharge" or "Discharge" - The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c) or (d) of the Act, (33 U.S.C. 1317), into the POTW.
- F. "Non-domestic User" - A User who is a source of Indirect Discharge or other non-domestic waste discharges to the WSA POTW.
- G. "Non-domestic Waste" - Any waterborne pollutant or waste (gaseous, liquid or solid) from industrial processes or commercial establishments or other sources as distinct from sanitary sewage.
- H. "Owner" - All persons who are the owners of record of any property which is or may be connected to the POTW including the sanitary sewer and the treatment facilities of the WSA.
- I. "Publicly Owned Treatment Works (POTW)" or "Sewer System" - A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. For the purposes of these Rules and Regulations "POTW" shall also include any sewers that convey wastewaters to the POTW from users outside the City of Williamsport who are, by contract or agreement with the Authority, Users of the Authority's POTW.
- J. "Sanitary Sewage or Domestic Waste" - The normal waterborne non-process household and toilet waste from residences, business buildings, institutions, industries and commercial establishments.
- K. "Sewer Service Line" - A sewer conveying wastewater from the premises of a User to the POTW.
- L. "Sewer System" - See "POTW".
- M. "Shall" is mandatory, "May" is permissive.
- N. "State" - Commonwealth of Pennsylvania.
- O. "Storm Water" - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- P. "Suspended Solids" - The total suspended matter that floats on the surface of, is suspended in, water, wastewater, or other liquids, and which is removable by laboratory filtering, using standard laboratory procedures (see Note 1).
- Q. "User" - Any person who contributes, causes or permits the discharge of wastewater to the WSA POTW including any source of indirect discharge.
- R. "Wastewater" - The liquid and water-carried industrial or domestic wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions, or any other establishment or source together with any ground water, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.

S. "Water Authority" - The Williamsport Municipal Water Authority.

Note (1) - All testing and laboratory procedures used for the purpose of determining compliance with these Rules and Regulations shall be as specified in the latest listing published under 40 CFR Part 136.

### 1.3 Abbreviations

The following abbreviations shall have the designated meanings:

CBOD	Carbonaceous Biological Oxygen Demand
CFR	Code of Federal Regulations
DEP	Pennsylvania Department of Environmental Protection
EPA	United States Environmental Protection Agency
gpd	Gallons per Day
mgd	million gallons per day
mg/L	Milligrams per Liter
NDWD	Non-Domestic Wastewater Discharge
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
RCRA	Resource Conservation and Recovery Act
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et.seq.
TSS	Total Suspended Solids
USC	United States Code
WMWA	Williamsport Municipal Water Authority
WSA	Williamsport Sanitary Authority

### 1.4 Application for Wastewater Service Connection and Wastewater Sewer Service

#### 1.4.1 Application

A written application on a form furnished by the Authority must be completed and submitted to the Authority for the purpose of requesting wastewater sewer service and/or the installation of a wastewater sewer service line connection. The Authority shall only recognize requests for wastewater sewer service or connection to the Sewer System from the Owner of the property to be served. Applications will be approved for wastewater service by the Authority only after the Authority determines that all Authority Rules and Regulations have been met. The application, together with the Rules and Regulations of the Authority, shall regulate and control the service of wastewater disposal to such premises.

Two or more parties who join to make application for service shall be jointly and severably liable and shall be sent single periodic bills.

##### 1.4.1.1 Wastewater Sewer Service Application

The application shall be made at least one week before service is required for domestic service. Any User proposing to discharge non-domestic wastewater to the WSA POTW must file a Non-domestic Wastewater Discharge Application and Questionnaire as required in Section 5. The Authority shall require an applicant for such a Non-domestic Wastewater Discharge Permit to submit the application up to ninety (90) days prior to the requested date of connection and/or discharge to the sewer system. Each application must afford evidence as to the source of water supply. The Owner shall be responsible for the payment of all bills for sewer service rendered by the Authority.

#### **1.4.1.2 Wastewater Sewer Connection Application**

Any Owner desiring a new connection to the sewer system shall make written application to the Authority provided that an application for service has been made as required in Section 1.4.1.1. The Owner shall furnish information requested by the Authority including location, property description, and exact time when the installation is desired to be ready for inspection by the Authority. The Authority shall not authorize the actual connection to the sewer system until the application for connection has been signed by the Owner and payment of a connection charge has been made.

#### **1.4.2 Approval of Applications**

Applications are written requests for service line connection and/or wastewater service. All applications are subject to approval of the Board of the Authority or the Authority's designated agent and are subject to payment of all required fees and compliance with all regulations relative thereto prior to commencement of the work or service requested therein. No Owner or User of any property serviced by the sewer system shall replace, repair, modify, or extend sewer laterals or in any way permit or cause additional properties, dwelling units, processes, wastewater sources or storm or non-wastewater discharge sources to be connected to the sewer system except as represented on an application for sewer service described in Section 1.4.1. and approved by the Authority and City Codes.

No applications shall be approved by the Authority with any applicant for wastewater service connection, whether owner or tenant, until all arrears for wastewater, rents, bills or other charges, due from the applicant at any premises now or theretofore owned or occupied by him, shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made.

#### **1.4.3 Special Conditions**

The Authority may require, prior to approval, special agreements other than applications under the following conditions:

- a. If the construction of an extension and/or other facilities is necessary.
- b. For providing temporary service for building or other special purposes.
- c. For connections with other qualified utilities or municipal subdivisions.
- d. For the extension from the wastewater collection system, whether or not such facilities are to be conveyed to the Authority.
- e. For the discharge of non-domestic wastewater.
- f. If deemed necessary by the Authority.

#### **1.4.4 Governmental Regulations**

All applications for wastewater service shall be at all times subject to the laws of the Commonwealth of Pennsylvania and its political subdivisions, the Federal Government and the Rules and Regulations of the Authority.



#### **1.4.5 Change of Ownership or Occupancy**

##### **1.4.5.1 New Application**

An Owner must submit a new application in accordance with Section 1.4.1 for wastewater service for approval to the Authority upon any change in ownership, occupancy, or any change in wastewater character.

The Authority may, upon seven (7) days written notice to the owner, discontinue wastewater service to the premises until any required application has been submitted and approved.

##### **1.4.5.2 Final Bill**

At least seven (7) days prior to the date of closing on the sale of any premises receiving wastewater service provided by the Authority, the owner shall notify the Authority in writing of the anticipated closing date. Upon receipt of such notice, the Authority shall conduct a final reading of the water meter and issue to the owner a final bill reflecting the status of the owner's account.

#### **1.4.6 Renewal of Service**

Wastewater service will be renewed under a proper allocation when the conditions under which such service was discontinued are corrected and upon the payment of all charges provided in the Schedule of Rates or Rules of the Authority due from the applicant.

#### **1.5 Extension of Sewer System Mains**

All new sewer system main extensions shall be in accordance with the Authority's most recently adopted "Water Distribution/Sewage Collection System Expansion Policy". No sewers shall be extended from the sewers of the Authority, and no sanitary sewage systems and/or treatment works shall be constructed or other work done without prior written approval of the Authority, permits from the Pennsylvania Department of Environmental Protection, and permits, licenses and/or approvals as required from all Federal, State, County, and local agencies. All work shall be conducted in accordance with these Rules and Regulations, and the Authority's most recently adopted "Sanitary Collection System General Design Guidelines and Specification for Sanitary Sewer Construction". Any work conducted in areas outside the City of Williamsport involving facilities served by the Authority and/or facilities extended into adjoining municipal subdivisions shall be in accordance with the aforesaid requirements and any more stringent standards as may be established by the municipal subdivision in which the work is located.

The Owner must prepare at his cost, all contract plans and specification, right-of-way plans and contract documents, and prepare at his cost other material which may be required to obtain permits, licenses and/or other approvals and to prepare the applications relative thereto and shall pay all related fees.

All extensions of sewer system mains will, upon completion, and inspection and testing by the Authority, become the property of the Authority.

## **1.6 Sewer Service Lines**

### **1.6.1 General**

No sewer service lines or other connections to the sewer system of the Authority shall be permitted until the application for sewer service has been approved by the Executive Director. No person shall uncover or make any connection with or opening into, use, alter or disturb any sewer owned by the Authority without first having obtained written permission from the Executive Director to do so.

All work relating to the installation of sewer connections and/or service lines shall be performed in accordance to the specifications provided in the Authority's most recently adopted "Sanitary Collection System General design Guidelines and Specifications for Sanitary Sewer Construction".

### **1.6.2 Maintenance**

The Owner shall be responsible for all maintenance and repairs of the sewer service line to the point of connection to the sewer main. All sewer service lines shall be maintained by the Owner at his cost, and the sewer service line shall be protected and properly maintained by the Owner. When repairs, renewals or replacements or other necessary work are required in the aforesaid facilities, the Owner, at his own expense, shall perform the necessary repairs, without delay in accordance with the City Codes and ordinances. All leaks shall be repaired immediately. No work shall be done, however, without the approval of the Authority.

### **1.6.3 Stormwater and Groundwater**

No stormwater drain, downspouts, or any other source of groundwater or clean water shall be connected to and allowed to be discharged to the sewer system unless application for such discharge is made in accordance with Section 5 of these Rules and Regulations and approved by the Executive Director.

### **1.6.4 Conditions of Plumbing**

The piping, plumbing and fixture on the property of the Owner are assumed to be in satisfactory condition at the time service facilities are connected and service furnished. The Authority will not be liable in any case for any flooding, accidents, breaks or leakage that in any way are due to the connection with the Authority's sewer system. The Authority may terminate such service if the plumbing and sanitary sewer lateral is not in accordance with these Rules and Regulation and ordinances of the City of Williamsport.

## **SECTION 2. RATES AND CHARGES**

### **2.1 Charges for Sanitary Sewer Service**

Costs associated with the collection and treatment of wastewater, infrastructure repair and upgrades, and related administrative costs are paid with funds collected from charges for sanitary sewer service.

Any person or entity that discharges wastewater, either directly or indirectly, into the sewer system of the WSA shall pay a service charge as provided in the Schedule of Rates (Appendix 1, Schedule 1) of these Rules and Regulations based on the quantity of water consumed. Charges for wastewater discharged from a

property connected to the WSA sewer system shall be the responsibility of the owner of the property. Consumption of water shall be measured, where practical, by the collection of data from water meters installed and maintained by the WMWA and approved by the WSA. At the sole and absolute discretion of the Authority, a flat-rate fee, as indicated in the Schedule of Rates, may be assessed to a person. For non-measured water or water sources other than the WMWA, see section 2.2.

In addition to charges for quantity of wastewater discharged into the WSA sewer system, a surcharge will be assessed to any person discharging to the sewer system high strength wastes as defined in Appendix 1, Schedule 2. Determination of surchargeable quantities will be based on sampling and analysis methods as specified by the Authority.

## **2.2 Conditions**

Except as otherwise stated in this section, all billing quantities will be determined according to section 2.1.2 of these Rules and Regulations.

### **2.2.1 Multiple Locations/Multiple Meters**

The quantity of water as measured by registration of water meters supplying different premises or localities of the same Owner shall not be combined, and each meter installation location shall be billed as a separate account.

### **2.2.2 Discharge of Water Other than from the Water Authority**

Where all or part of the water discharged from a property connected to the sewer system originates from sources other than the Water Authority and is not measured or if water is not measured by a water meter acceptable to the Authority, the owner shall be required to install and maintain at his own expense a water meter or meters approved by the Authority on all such other water supplies, and the quantity of water used to determine the sanitary sewage charges shall be the sum of the quantities of water measured by all meters, except as described for water not discharged into the sewer system (Section 2.2.4 and 2.2.5).

### **2.2.3 Two or More Dwelling Units Serviced by One Meter**

Where the Water Authority has determined that conditions make it difficult to install separate water meters for individual units of a multiple occupancy property, a single meter will be installed, the size of which will be determined by the Authority, and each individual unit will be charged based on the current rate structure and minimum rates associated with the aforementioned meter. The water registered by the meter divided by the number of units determines the quantity of water used per unit. The charge per unit will be determined in accordance with the current Schedule of Rates (Appendix I) as applied to a single dwelling. The charge to the owner will be determined by multiplying the number of units by the charge per unit.

Where two or more units are served through a single connection, any violation of the Rules and Regulations of the Authority by any users within said units shall be deemed a violation as to all users, and the Authority, in its sole and absolute discretion may take such action against all as could be taken against a single user.

### **2.2.4 Water Not Discharged into the Sewer System**

A sewage deduct meter is defined as a secondary water meter, installed down stream of the primary meter, for the purpose of metering water utilized by

the customer that will not be discharged to the sanitary sewer system. The owner pays sewer service charges only on the wastewater discharged to the sanitary sewer.

When a deduct meter is requested by the customer, the Authority will determine if a deduct meter provides the most reasonable method for measuring sanitary sewer discharge. If this is determined to be reasonable, then a deduct meter, or meters shall be provided, installed and maintained by the Authority. Meter locations shall be reviewed and must be approved by the Authority. The property owner shall be responsible for all costs associated with providing any easily accessible location for the meter, including any piping or other modifications, as necessary, for installation of the Authority's meter. The Authority shall charge an annual fee billed in accordance with the schedule of rates for inspection, maintenance, reading, repair or replacement of the meter.

Any sewage deduct meters existing prior to the effective date of these Rules and Regulations shall not be charged the fee, but shall remain under the control of the Authority and may be tested, inspected or repaired by its employees or agents whenever the Authority deems it necessary, provided that all repairs thereto shall be made at the expense of the owner and the bills therefore shall be due at the same time as bills for sewer service. In the event that the sewage deduct meter cannot be readily accessed for testing, inspection, or repair, it is the additional responsibility of the owner to provide for the removal and subsequent installation of the meter. Upon any property transfer, the deduct meter shall either come in compliance with the current standard and become subject to the annual fee, or the sanitary sewer charge will be based on the total water usage.

#### **2.2.5 Outfall Meters**

Where a property has one or more discharge points to the sewer system, and the Authority determines that it is necessary to monitor the outfalls for the purposes of accurately determining wastewater actually discharged to the sewer system, to determine Non-domestic Wastewater Discharge Permit compliance and/or to compute surcharge quantities for high strength wastes, the Authority may require the installation of outfall meter(s) at the owners expense and consider each outfall as a separate billing account for both quantity and surcharge determination.

#### **2.2.6 Accuracy**

Any issues regarding the accuracy of water meters used for sanitary billing purposes are addressed in the WMWA Rules and Regulations. Outfall meters must be calibrated at a minimum annually by a qualified technician. A copy of the meter calibration certificate must be submitted to the Authority.

### **2.3 Billing and Collection**

#### **2.3.1 Payments and Penalties**

Whenever possible or practical, charges for sewer service shall be included with the bills of the Water Authority for the water consumption upon which the sewer service charges are based. All bills for sewer service shall be due and payable upon receipt at the business office of the Authority. Payments mailed, as evidenced by the United States Postal Service mark, will be deemed to be a payment made on the date of the Postal Service mark. Acceptable methods of payment are addressed in Appendix 1. If not paid within thirty days of the billing date, a late penalty of ten percent (10%) shall be added and due immediately with the original charges.

### **2.3.2 Advance Payments**

Payments in advance of providing sanitary service may be required for the following:

- (1) For seasonal service;
- (2) For construction of facilities and furnishing special equipment;
- (3) For restoration or re-connection of service where service has been actually discontinued for noncompliance with these Rules and Regulations;
- (4) Where the Owner has failed in the past to make payments as due for sewer service charges; or
- (5) For any other instances where determined necessary at the sole and absolute discretion of the Authority.

Where advance payments are required, the Authority will determine the amount of the payment based on an historical average. The advance payment will be held by the Authority until service has ended and all outstanding payments have been made.

### **2.3.3 Failure to Receive Bill**

Failure to receive a bill shall not exempt any person from the payment of said bill, or any penalty resulting from late payment. The presentation of a bill is only a matter of accommodation and not a waiver of these Rules and Regulations.

### **2.3.4 Billing Inquiries**

Any person with a question pertaining to the accuracy of a bill shall either bring the bill to the Authority for investigation, or phone the Authority at the main office. The Authority may, for good cause shown, extend the time period for payment of a bill without penalty until the investigation is completed.

## **SECTION 3. ENFORCEMENT**

### **3.1 General**

In addition to other specific action(s) authorized by other provisions of these Rules and Regulations, the WSA shall have the right to take enforcement actions specified in this Section, and otherwise allowed by law.

### **3.2 Termination or Restriction of Sewer Service**

**3.2.1** The WSA shall have the right to terminate sewer service to a property for nonpayment of sewer service charges or for other noncompliance with these Rules and Regulations, and to charge for the resumption of service, in accordance with the current Schedule of Rates (Appendix I). Without limiting the generality of the foregoing, sewer services to a property may be discontinued for any of the following reasons:

- (a) For misrepresentation in any application.
- (b) For the use of sewer service for any other property or purpose than that described in the application or misrepresenting the waste to be delivered to the POTW.

- (c) For failure to maintain in good order proper piping fixtures and appurtenances including sewer service line, for discharge of sewage.
- (d) For tampering with or in any other way interfering with any service pipe, meter, meter box, curb stop, curb box, or with any seal on any meter or other fixture and appliances of the Authority.
- (e) For refusal to segregate storm water discharge as directed by the Authority.
- (f) For failure to make payment of any charges imposed by the Authority or the Water Authority.
- (g) For refusal to grant access to property to Authority personnel for purposes of inspecting the piping, fixtures and other appliances therein, or for, reading, caring for, repairing or removing any meter used for the determination of sewer service charges.
- (h) For failure to comply with any discharge limitations set forth in these Rules and Regulations.
- (i) For failure to obtain or comply with a Non-domestic Wastewater Discharge Permit as provided by these Rules and Regulations.
- (j) For any violation of these Rules and Regulations or other requirements governing the sewer service furnished by the Authority.

**3.2.2** The Authority shall also have the right to restrict or terminate sewer service without notice in the case of breakdowns or other justifiable causes or for the purpose of making repairs to the main sewers. Reasonable notice will be given when practical.

**3.2.3** In no case shall the Authority be liable to any person for any damage or inconvenience suffered as a result of termination or restriction of service.

### **3.3 Termination of Water Service**

The Authority shall also have the right at any time to request and direct the Water Authority to shut off water to a property for nonpayment of sewer service charges, for failure or refusal to comply with these Rules and Regulations, or for any other reason set forth in Section 3.2 and to charge for the resumption of water service in accordance with the current schedule of rates.

### **3.4 Suspension of Service to Prevent Harmful Contributions**

The Authority may suspend the wastewater treatment service and/or revoke a Non-domestic wastewater discharge permit when such suspension is necessary, in the opinion of the Authority, in order to stop an actual or threatened discharge or portion of the discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons, to the environment, causes interference to the POTW cause damage to the POTW or collection system, or causes the Authority to violate any condition of its NPDES permits.

Any person notified to suspend the discharge or portion of a discharge shall immediately stop or eliminate that discharge. In the event of a failure of the person to comply voluntarily with the suspension order, the Authority may take any such steps it deems necessary including immediate severance of the sewer connection to prevent or minimize the damage to the POTW system or endangerment to any individuals. The Authority may reinstate the wastewater treatment service at the owner's expense upon proof of the elimination of the noncomplying discharge. A

detailed written statement submitted by the User describing the causes of the harmful contribution and the measures taken to prevent any future occurrence shall be submitted to the Authority within ten (10) days of the date of the occurrence. The User's Non-domestic wastewater discharge permit may be revoked until such time as the noncompliance has been resolved.

#### **SECTION 4. CHANGING OF RATES AND REGULATIONS**

The Authority shall have the right to change or amend from time to time these Rules and Regulations and the Schedule of Rates (Appendix I) for sewer service.

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## **SECTION 5. PRETREATMENT**

### **SUBSECTION 5.1 - GENERAL PROVISIONS**

#### **5.1.1 Purpose and Policy**

Section 5 of these Rules and Regulations sets forth uniform requirements for control of non-domestic wastewater discharges to the Williamsport Sanitary Authority (WSA) Publicly Owned Treatment Works and enables the WSA 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 Code of Federal Regulations Part 403). The objectives of Section 5 of these Rules and Regulations are:

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

These Rules and Regulations shall apply to all users of the Publicly Owned Treatment Works. These Rules and Regulations authorize the issuance of wastewater discharge permits; provides for monitoring, compliance, and enforcement activities; establishes administrative review procedures; requires user reporting; and provides for the setting of fees for the equitable distribution of costs resulting from the program established herein.

#### **5.1.2 Administration**

Except as otherwise provided herein, the Executive Director shall administer, implement, and enforce the provisions of these Rules and Regulations. Any powers granted to or duties imposed upon the Executive Director may be delegated by the Executive Director to other WSA personnel.

#### **5.1.3 Definitions**

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

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



- B. "Approval Authority" - The Director in a NPDES state with an Approved State Pretreatment Program and the Administrator of the EPA in a non-NPDES State or NPDES State without an Approved State Pretreatment Program.
- C. "Authorized Representative of the User"
- (1) If the user is a corporation:
    - (a) The president, secretary, treasurer, or a vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation; or
    - (b) The manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.
  - (2) If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively.
  - (3) If the user is a Federal, State or local government facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or the designee.
  - (4) The individuals described in paragraphs 1 through 3, above, may designate a duly 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 WSA.
- D. "Best Management Practices (BMPs)" The term Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 5.2.1(B) and (C). 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.
- E. "Board" - The governing body of the Williamsport Sanitary Authority.
- F. "Carbonaceous Biochemical Oxygen Demand" or "CBOD<sub>5</sub>" - A measure of the quantity of oxygen utilized in the biochemical oxidation of organic matter of a sample for a time period of five (5) days at 20° centigrade, inhibited to not include nitrogenous oxygen demand, expressed in terms of weight and concentration (milligrams per liter). The test shall be as specified by standard laboratory procedures (see Note 1).
- G. "Categorical Pretreatment Standard" or "Categorical Standard" - 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.

- H. "Environmental Protection Agency" or "EPA" - The U.S. Environmental Protection Agency or, where appropriate, the Regional Water Management Division Director, or other duly authorized official of said agency.
- I. "Executive Director" - The chief administration officer designated by the Board of the Williamsport Sanitary Authority to carry out and enforce its policies and Rules and Regulations and assume responsibility for the operation of the POTW, or his duly authorized representative.
- J. "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.
- K. "Grab Sample" - A sample which is taken from a wastestream without regard to the flow in the wastestream and over a period of time not to exceed fifteen (15) minutes.
- L. "Indirect Discharge" or "Discharge" - The introduction of pollutants into the POTW from any non-domestic source regulated under Section 307(b), (c), or (d) of the Act into the POTW.
- M. "Instantaneous Maximum Allowable Discharge Limit" - The maximum concentration of a pollutant allowed to be discharge at any time, determined from the analysis of any discrete or composited sample collected, independent of the industrial flow rate and the duration of the sampling event.
- N. "Interference" - A discharge, which alone or in conjunction with a discharge or discharges from other sources, inhibits or disrupts the POTW, its treatment processes or operations or its sludge processes, use or disposal; and therefore, is a cause of a violation of the WSA's NPDES permit or of the prevention of sewage sludge use or disposal in compliance with any of the following statutory/regulatory provisions or permits issued 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.
- O. "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.
- P. "National Pollutant Discharge Elimination System Permit" or "NPDES Permit" - A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- Q. "New Source"
  - (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards under 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:

- (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, may be considered.
- (2) Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment.
- (3) Construction of a new source as defined under this paragraph has commenced if the owner or operator has:
- (a) Begun, or caused to begin, as part of a continuous onsite construction program
    - (i) any placement, assembly, or installation of facilities or equipment; or
    - (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
  - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.
- R. *"Non-contact Cooling Water"* - Water used for cooling which does not come into direct contact with any raw material, intermediate product, waste product, or finished product.
- S. *"Non-domestic Waste"* - Any waterborne pollutant or waste (gaseous, liquid or solid) from industrial processes or commercial establishments or other sources as distinct from sanitary sewage.
- T. *"Pass Through"* - A discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the WSA's NPDES permit, including an increase in the magnitude or duration of a violation.
- U. *"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.

- V. "pH" - A measure of the acidity or alkalinity of a solution, defined as the negative logarithm of the concentration of hydrogen ions expressed in moles per liter of solution.
- W. "Pollutant" - Dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt, municipal, agricultural and industrial wastes, and certain characteristics of wastewater (e.g., pH, temperature, TSS, turbidity, color, CBOD, COD, toxicity, or odor).
- X. "Pretreatment" - The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to, or in lieu of, 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.
- Y. "Pretreatment Requirements" - Any substantive or procedural requirement related to pretreatment imposed on a user, other than a pretreatment standard.
- Z. "Pretreatment Standard" or "Standards" - Pretreatment standards shall mean prohibited discharge standards, categorical pretreatment standards, and local limits.
- AA. "Prohibited Discharge Standards" or "Prohibited Discharges" - Absolute prohibitions against the discharge of certain substances; these prohibitions appear in Section 5.2 of these Rules and Regulations.
- BB. "Publicly Owned Treatment Works (POTW)" or "Sewer System" - A "treatment works" as defined by Section 212 of the Act (33 U.S.C. 1292) which is owned by the Authority. This definition includes any devices or systems used in the collection, storage, treatment, recycling, and reclamation of sewage or industrial wastes of a liquid nature and any conveyances which convey wastewater to a treatment plant. For the purposes of these Rules and Regulations "POTW" shall also include any sewers that convey wastewaters to the POTW from users outside the City of Williamsport who are, by contract or agreement with the Authority, Users of the Authority's POTW.
- CC. "Sanitary Sewage or Domestic Waste" - The normal waterborne non-process household and toilet waste from residences, business buildings, institutions, industries and commercial establishments.
- DD. "Septic Tank Waste" - Any sewage from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.
- EE. "Significant Industrial User"
  - (1) A user subject to categorical pretreatment standards; or
  - (2) A user that:

- (a) Discharges an average of twenty-five thousand (25,000) gpd or more of process wastewater to the POTW (excluding sanitary, non-contact cooling, and boiler blowdown wastewater);
  - (b) Contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or
  - (c) Is designated as such by the WSA on the basis that it has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.
- (3) Upon a finding that a user meeting the criteria in Subsection (2) has no reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard of requirement, the WSA may at any time, or 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.
- FF. "*Slug Load*" or "*Slug*" - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WSA's regulations, local limits, or NPDES permit conditions.
- GG. "*Standard Industrial Classification (SIC) Code*" - A classification pursuant to the *Standard Industrial Classification Manual* issued by the United States Office of Management and Budget.
- HH. "*Storm Water*" - Any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snowmelt.
- II. "*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 (see Note 1).
- JJ. "*Toxic Substances*" - Any substance or combination of substances listed as toxic in regulations promulgated by the EPA under the Act or any other statute.
- KK. "*User*" or "*Industrial User*" - A person who contributes, causes or permits the discharge of wastewater to the WSA POTW including any source of indirect discharge.
- LL. "*Wastewater*" - The liquid and water-carried industrial or domestic wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, institutions, or any other establishment or source together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed into or permitted to enter the POTW.
- MM. "*Wastewater Treatment Plant*" or "*Treatment Plant*" - That portion of the POTW which is designed to provide treatment of municipal sewage and industrial waste.
- NN. "*WSA*" - The Williamsport Sanitary Authority or "Authority" including its Executive Director acting under his administrative authority.

NOTE (1) All testing and laboratory procedures used for the purpose of determining

compliance with these Rules and Regulations shall be as specified in the latest listing published under 40 CFR Part 136.

#### 5.1.4 Abbreviations

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

- CBOD -Carbonaceous 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
- NDWD -Non-domestic Wastewater Discharge
- NPDES -National Pollutant Discharge Elimination System
- POTW -Publicly Owned Treatment Works
- RCRA -Resource Conservation and Recovery Act
- SIC -Standard Industrial Classification
- TSS -Total Suspended Solids
- U.S.C. -United States Code
- WSA -Williamsport Sanitary Authority

### SUBSECTION 5.2 - GENERAL SEWER USE REQUIREMENTS

#### 5.2.1 Prohibited Discharge Standards

- A. Wastewater Discharges No user shall discharge any wastewater to the WSA POTW through any connection or inlet to the POTW except in accordance with these Rules and Regulations.
- B. General Prohibitions No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.
- C. 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, wastestreams 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 5.0 or more than 12.5, 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 ½ inch or 1.27 centimeters 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 which will inhibit biological activity in the treatment plant resulting in interference, but in no case wastewater which causes the temperature at the introduction into the treatment plant to exceed 104°F (40°C);
- (6) Petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
- (7) Pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute worker health and safety problems;
- (8) Trucked or hauled pollutants, except at discharge points designated by the Executive Director in accordance with Section 5.3.4 of these Rules and Regulations.
- (9) Noxious or malodorous liquids, gases, solids, or other wastewater which, either singly or by interaction with other wastes, are sufficient to create a public nuisance or a hazard to life, or to prevent entry into the sewers for maintenance or repair;
- (10) Wastewater which imparts color which cannot be removed by the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions, which consequently imparts color to the treatment plant's effluent, thereby violating the WSA's NPDES permit;
- (11) Wastewater containing any radioactive wastes or isotopes except in compliance with applicable State or Federal regulations;
- (12) Storm water, surface water, ground water, artesian well water, roof runoff, subsurface drainage, swimming pool drainage, condensate, deionized water, non-contact cooling water, and unpolluted wastewater, unless specifically authorized by the Executive Director;
- (13) Sludges, screenings, or other residues from the pretreatment of industrial wastes;
- (14) Medical wastes, except as specifically authorized by the Executive Director in a wastewater discharge permit;
- (15) Wastewater causing, alone or in conjunction with other sources, the treatment plant's effluent to fail a toxicity test;
- (16) Detergents, surface-active agents, or other substances which may cause excessive foaming in the POTW;
- (17) Any discharge which if otherwise disposed of, would be a hazardous waste as defined under 40 CFR Part 261 is prohibited;
- (18) Wastewater causing two readings on an explosion hazard meter at the point of discharge into the POTW, or at any point in the POTW, of more than five percent (5%) or any single reading over ten percent (10%) of the Lower Explosive Limit of the meter.

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

### 5.2.2 National Categorical Pretreatment Standards

The categorical pretreatment standards found at 40 CFR Chapter I, Subchapter N, Parts 405 - 471 are hereby incorporated.

- A. Where a categorical pretreatment standard is expressed only in terms of either the mass or the concentration of a pollutant in wastewater, the WSA may impose equivalent concentration or mass limits in accordance with 40 CFR 403.6(c).
- B. When wastewater subject to a categorical pretreatment standard is mixed with wastewater not regulated by the same standard, the WSA shall impose an alternate limit using the combined wastestream formula in 40 CFR 403.6(e).
- C. A user may obtain a variance from a categorical pretreatment standard if the user can prove, pursuant to the procedural and substantive provisions in 40 CFR 403.13, that the factors related to its discharge are fundamentally different from the factors considered by EPA when developing the categorical pretreatment standard.
- D. A user may obtain a net gross adjustment to a categorical standard in accordance with 40 CFR 403.15.

### 5.2.3 State Pretreatment Standards

State requirements and limitations on discharges to the WSA POTW shall apply in cases where they are more stringent than federal requirements and limitations or those in these Rules and Regulations.

### 5.2.4 Specific Pollutant Limitations

#### 5.2.4.1 Local Limits

##### A. Development and Purpose

In accordance with 40 CFR part 403.5(c), the WSA shall develop and revise from time to time local limits which prohibit or regulate the discharge of specific pollutants to the WSA POTW to prevent pass through and/or interference. The WSA's local limits are included as Appendix II of these Rules and Regulations and are enforceable as National Pretreatment Standards for the purposes of 307(d) of the Act. Local Limits for each POTW treatment plant will be based upon current EPA guidance methodology called the maximum Allowable Headworks Loading (MAHL).

The WSA reserves the right to:

1. Add or delete pollutants considered for local limits determination;
2. Use appropriate EPA approved methodologies to determine specific pollutant limitations;
3. Revise the method of allocating pollutant loadings to industrial users; and
4. Apply local limits in applicable NDWD Permits whenever necessary.

All concentrations for metallic substances included as local limits refer to the "total" metal concentration unless specifically indicated otherwise.

The WSA may, at its sole discretion, impose mass limitations in addition to, or in place of, concentration-based limits.



**B. Allocation of Maximum Allowable Headworks Loadings (MAHLs)**

The WSA may allocate portions of MAHLs to permittees through NDWD permits. Allocation of MAHLs to permittees shall be on a first come first served basis, with a reasonable portion withheld from allocation for safety margin and future growth.

Local limits shall apply at the point where the permittee's lateral connects to the POTW (the outfall) unless clearly stated otherwise in a NDWD permit.

**5.2.4.2 Best Management Practices**

BMPs may be developed to implement sections 5.2.1.B and 5.2.1.C. Such BMPs shall be considered local limits and Pretreatment Standards and are enforceable as National Pretreatment Standards for the purposes of 307(d) of the Act.

**5.2.4.3 Other Specific Pollutant Limitations**

No user shall discharge to the WSA sewer system, except as provided in a NDWD permit issued by the WSA to the specific user:

- A. Wastewater containing concentrations in excess of those listed here for any of the following pollutants:

Cyanide	0.05 mg/L
Oils and Grease of petroleum origin (non-polar)	20 mg/L
Oils and Grease of animal or vegetable origin (polar)	100 mg/L
pH	greater than 10.0 standard units
Phenols	0.1 mg/L
Carbonaceous Biochemical Oxygen Demand (five-day)	170 mg/L
Suspended Solids (non-filterable residue)	200 mg/L
Chlorine Demand	25 mg/L

The determination of the quantity of pollutants shall be in accordance with the procedures published in 40 CFR Part 136 and/or the latest edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, et.al., and as determined by the WSA.

- B. Wastewaters containing concentration or mass of any of the pollutants listed in Appendix II of these Rules and Regulations which have the potential to, in combination with discharges from other users, be a significant portion of the applicable listed Industrial Allocation.

The determination of the quantity of pollutants shall be in accordance with the procedures published in 40 CFR Part 136 and/or the latest edition of Standard Methods for the Examination of Water and Wastewater as published by the American Public Health Association, et.al., and as determined by the WSA.

**5.2.5 Interceptors, Screens and Equalization Tanks**

- 5.2.5.1** Interceptors for greases, oils and sediments may be required when, in the opinion of the WSA, they are necessary for the proper handling of wastewater containing excessive amounts of grease and oil, or sediments; except that such interceptors shall not be required for residential users. Examples of types of commercial, institutional, and industrial

facilities which may require interceptors include, but are not limited to, restaurants, schools, hospitals, nursing homes, bakeries, carwashes, grocery stores, or any facility that handles grease or sediment. Additionally, interceptors, screens, and/or equalization tanks may be required on any service laterals as directed by the WSA for the proper handling of liquid wastes containing greases in excessive amounts or any flammable wastes, sediments, viscous substances or other harmful ingredients.

**5.2.5.2** All interceptors shall be of type and capacity approved by the Authority and in compliance with the current BOCA National Building Code. Interceptors shall not be located so as to receive rainwater or unpolluted runoff.

**5.2.5.3** Where installed, all grease, oil and sand interceptors shall be inspected, cleaned and repaired regularly as needed, by the Owner, at the owner's expense. The interceptors shall be maintained in continuous efficient operation at all times. Interceptors shall be cleaned regularly to maintain efficient operation. WSA personnel shall have access to inspect interceptors at any reasonable time.

#### **5.2.6 General Discharge Prohibitions**

The Authority reserves the right to refuse connection or discharge to the WSA POTW as well as the right to compel the discontinuance of the use of such system, or to require the pretreatment of Non-domestic Wastes by any User of any wastewater containing pollutants, substances or wastewater prohibited or limited by Section 5.2 of these Rules and Regulations.

#### **5.2.7 Falsifying Information**

No person shall knowingly make any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained pursuant to these Rules and Regulations, or Non-domestic Wastewater Discharge Permit, or falsifying, tamper with, or knowingly render inaccurate any monitoring device or method required under these Rules and Regulations.

#### **5.2.8 Authority's Right of Revision**

The Authority reserves the right to establish more stringent limitations or requirements on discharges to the POTW if deemed necessary to comply with the objectives presented in Section 1.1 of these Rules and Regulations.

#### **5.2.9 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 WSA 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.

### **SUBSECTION 5.3 - PRETREATMENT OF WASTEWATER**

#### **5.3.1 Pretreatment Facilities**

Users of the WSA POTW shall provide wastewater treatment as necessary to comply with these Rules and Regulations and shall achieve compliance with all categorical

pretreatment standards, local limits, and the prohibitions set out in Section 5.2 of these Rules and Regulations within the time limitations specified by EPA, the State, or the WSA, whichever is more stringent. 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 WSA for review, and shall be acceptable to the WSA before such facilities are constructed. The review of such plans and operating procedures shall in no way relieve the user from the responsibility of modifying such facilities as necessary to produce a discharge acceptable to the WSA under the provisions of these Rules and Regulations.

### **5.3.2 Additional Pretreatment Measures**

- A. Whenever deemed necessary, the WSA may require users to restrict their discharge during peak flow periods, designate that certain wastewater be discharged only into specific sewers, relocate and/or consolidate points of discharge, separate sewage wastestreams from industrial wastestreams, and such other conditions as may be necessary to protect the POTW and determine the user's compliance with the requirements of these Rules and Regulations.
- B. The WSA may require any person discharging into the WSA POTW to install and maintain, on their property and at their expense, a suitable storage and flow-control facility to ensure equalization of flow. A wastewater discharge permit may be issued solely for flow equalization.
- C. Users with the potential to discharge flammable substances may be required to install and maintain an approved combustible gas detection meter.

### **5.3.3 Accidental Discharge/Slug Control Plans**

The WSA shall evaluate whether each significant industrial user needs an accidental discharge/slug control plan. The WSA may require any user to develop, submit for approval, and implement such a plan. Alternatively, the WSA may develop such a plan for any user. A slug discharge is any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause interference or pass through, or in any other way violate the WSA's regulations, local limits, or NPDES permit conditions. An accidental discharge/slug control plan shall address, at a minimum, the following:

- A. Description of discharge practices, including nonroutine batch discharges;
- B. Description of stored chemicals;
- C. Procedures for immediately notifying the WSA of any accidental or slug discharge, as required by Section 5.6.6 of these Rules and Regulations; and
- D. Procedures to prevent adverse impact from any accidental or slug discharge. Such procedures include, but are not limited to, inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants, including solvents, and/or measures and equipment for emergency response.

All significant industrial users must notify the WSA immediately of changes that occur at the facility which affect the potential for a slug discharge. The WSA will reevaluate the need for a slug control plan or other actions to prevent such discharges.

### **5.3.4 Hauled Wastewater**

- A. The discharge of septic tank waste to the WSA POTW is prohibited.

- B. The WSA may require haulers and/or generators of hauled wastewaters to obtain non-domestic wastewater discharge (NDWD) permits. The WSA also may prohibit the disposal of hauled industrial waste. The discharge of hauled wastewaters to the WSA POTW is prohibited unless approved in advance by the WSA.
- C. Waste haulers may discharge loads only at locations designated by the WSA. No load may be discharged without prior consent of the WSA. The WSA may collect samples of each hauled load to ensure compliance with applicable standards. The WSA may require the waste hauler to provide a waste analysis of any load prior to discharge.
- D. Waste haulers must provide a waste-tracking form for every load. This form shall include, at a minimum, the name and address of the waste hauler, permit number, truck identification, names and addresses of sources of waste, and volume and characteristics of waste. The form shall identify the source, type of industry, known or suspected waste constituents, and whether any wastes proposed to be discharged are RCRA hazardous wastes, which are prohibited by Section 5.2.1.

## **SUBSECTION 5.4 - NON-DOMESTIC WASTEWATER DISCHARGE PERMIT APPLICATION**

### **5.4.1 Application Required for Discharge**

Any person desiring to discharge non-domestic wastewater from a new or existing source to the WSA POTW must first submit to the WSA a proper application including a Non-domestic Wastewater Discharge (NDWD) questionnaire. The WSA shall then determine whether analyses of the wastewater is required and whether the discharge will be subject to the WSA NDWD permitting requirements. Non-domestic users shall have the responsibility to review existing or proposed wastestreams for applicability of this requirements. When requested by the WSA, a user must submit information on the nature and characteristics of its wastewater within ninety (90) days of the request. The WSA may periodically require users to update this information.

### **5.4.2 Non-domestic Wastewater Discharge Permit Requirement**

- A. No significant industrial user shall discharge wastewater into the POTW without first obtaining a NDWD permit from the WSA, except that a significant industrial user that has filed a timely application pursuant to Section 5.4.3 of these Rules and Regulations may continue to discharge for the time period specified therein.
- B. The WSA may require other users to obtain NDWD permits as necessary to carry out the purposes of these Rules and Regulations.
- C. Users shall comply with the terms and conditions of the NDWD permit. Any violations of the terms and conditions of a NDWD permit shall be deemed a violation of these Rules and Regulations and subjects the wastewater discharge permittee to the sanctions set out in Sections 5.10 through 5.12 of these Rules and Regulations. Obtaining a NDWD 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.

### **5.4.3 Non-domestic Wastewater Discharge Permitting: Existing Discharges**

Any user not holding a current NDWD permit who was discharging non-domestic wastewater subject to the WSA NDWD permitting requirements into the WSA POTW prior to the effective date of these Rules and Regulations and who wishes to continue such discharges in the future, shall, within ninety (90) days after said date, apply to the WSA for a NDWD

permit in accordance with Section 5.4.5 of these Rules and Regulations, and shall not cause or allow discharges to the POTW to continue after ninety (90) days of the effective date of these Rules and Regulations except in accordance with a NDWD permit issued by the WSA.

#### **5.4.4 Non-Domestic Wastewater Discharge Permitting: New Discharges**

Any user required to obtain a NDWD 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 NDWD permit, in accordance with Section 5.4.5 of these Rules and Regulations, must be filed at least ninety (90) days prior to the date upon which any discharge will begin or recommence.

#### **5.4.5 Non-domestic Wastewater Discharge Permit Application Contents**

All users required to obtain a NDWD permit must submit a permit application. The WSA may require all users to submit as part of an application the following information:

- A. All information required by Section 5.6.1(B) of these Rules and Regulations;
- B. Description of activities, facilities, and plant processes on the premises, including a list of all raw materials and chemicals used or stored at the facility which are, or could accidentally or intentionally be, discharged to the POTW;
- C. Number and type of employees, hours of operation, and proposed or actual hours of operation;
- D. Each product produced by type, amount, process or processes, and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. 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;
- G. Time and duration of discharges; and
- H. Any other information as may be deemed necessary by the WSA to evaluate the NDWD permit application.

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

#### **5.4.6 Application Signatories and Certification**

All NDWD permit applications and user reports must be signed by any 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."

#### **5.4.7 Non-domestic Wastewater Discharge Permit Decisions**

The WSA will evaluate the data furnished by the user and may require additional information. Within ninety (90) days of receipt of a complete NDWD permit application, the WSA will determine whether or not to issue a NDWD permit. The WSA may deny any application for a NDWD permit.

### **SECTION 5.5 - NON-DOMESTIC WASTEWATER DISCHARGE PERMIT ISSUANCE PROCESS**

#### **5.5.1 Non-domestic Wastewater Discharge Permit Duration**

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

#### **5.5.2 Non-domestic Wastewater Discharge Permit Contents**

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

A. NDWD permits must contain:

- (1) A statement that indicates NDWD permit duration, which in no event shall exceed five (5) years;
- (2) A statement that the NDWD permit is nontransferable without prior notification to the WSA in accordance with Section 5.5.5 of these Rules and Regulations, and provisions for furnishing the new owner or operator with a copy of the existing NDWD permit;
- (3) Effluent limits, including Best Management Practices, based on applicable pretreatment standards, categorical standards, local limits, and state and local law;
- (4) Self-monitoring, sampling, reporting, notification, and record-keeping requirements. These requirements shall include an identification of pollutants to be monitored, sampling location, sampling frequency, and sample type based on Federal, State, and local law; and
- (5) A statement of applicable civil and criminal penalties for violation of pretreatment standards and requirements, and any applicable compliance schedule. Such schedule may not extend the time for compliance beyond that required by applicable Federal, State, or local law.
- (6) Requirements for the development and implementation of spill and/or slug control plans or other special conditions including management practices necessary to adequately prevent accidental, unanticipated, or non-routine discharges; including notifying the WSA immediately of changes that occur at the facility which affect the potential for a slug discharge.

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

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

- (2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the treatment works;
- (3) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;
- (4) The unit charge or schedule of user charges and fees for the management of the wastewater discharged to the POTW;
- (5) Requirements for installation and maintenance of inspection and sampling facilities and equipment;
- (6) A statement that compliance with the NDWD 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 NDWD permit; and
- (7) Other conditions as deemed appropriate by the WSA to ensure compliance with these Rules and Regulations, and State and Federal laws, rules, and regulations.

#### **5.5.3 Non-domestic Wastewater Discharge Permit Appeals**

A petition for the WSA to reconsider the terms of the NDWD permit may be filed within thirty (30) days of its issuance by the user or other interested party.

- A. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
- B. In its petition, the appealing party must indicate the NDWD permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the NDWD permit.
- C. The effectiveness of the NDWD permit shall not be stayed pending the appeal.
- D. If the WSA fails to act within ninety (90) days, a request for reconsideration shall be deemed to be denied. Decisions not to reconsider a NDWD permit, not to issue a NDWD permit, or not to modify a NDWD permit shall be considered final administrative actions for purposes of judicial review.
- E. Aggrieved parties seeking judicial review of the final administrative NDWD permit decision must do so by filing a compliant with the Court of Common Pleas of Lycoming County, Pennsylvania within thirty (30) days.

#### **5.5.4 Non-domestic Wastewater Discharge Permit Modification**

The WSA may modify a NDWD permit for good cause, including, but not limited to, the following reasons:

- A. To incorporate any new or revised Federal, State, or local pretreatment standards or requirements;
- B. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of NDWD permit issuance;
- C. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;

- D. Information indicating that the permitted discharge poses a threat to the POTW, WSA personnel, or the receiving waters;
- E. Violation of any terms or conditions of the NDWD permit;
- F. Misrepresentation or failure to fully disclose all relevant facts in the NDWD permit application or in any required reporting;
- G. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR 403.13;
- H. To correct typographical or other errors in the NDWD permit; or
- I. To reflect a transfer of the facility ownership or operation to a new owner or operator.
- J. Upon request of the permittee, provided that the WSA determines that such modification would not adversely impact the POTWs operation or create a violation of any applicable requirement, standards, laws

The filing of a request by the permittee for a permit modification does not stay any permit condition.

#### **5.5.5 Non-domestic Wastewater Discharge Permit Transfer**

NDWD permits may be transferred to a new owner or operator only if the permittee gives at least ninety (90) days advance notice to the WSA and the WSA approves the NDWD permit transfer. The notice to the WSA must include a written certification by the new owner or operator which:

- A. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
- B. Identifies the specific date on which the transfer is to occur; and
- C. Acknowledges full responsibility for complying with the existing NDWD permit.
- D. A written agreement between the existing owner and the new owner stating that the existing owner shall be liable for violations of the NDWD permit up to and until the date of transfer and that the new owner shall be liable for NDWD permit violations from that date on.

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

#### **5.5.6 Non-domestic Wastewater Discharge Permit Revocation**

The WSA may revoke a NDWD permit for good cause, including, but not limited to, the following reasons:

- A. Failure to notify the WSA of significant changes in volume or character of the wastewater prior to the changed discharge;
- B. Failure to provide prior notification to the WSA of changed conditions pursuant to Section 5.6.5 of these Rules and Regulations;
- C. Misrepresentation or failure to fully disclose all relevant facts in the NDWD permit application;



- D. Falsifying self-monitoring reports;
- E. Tampering with monitoring equipment;
- F. Refusing to allow the WSA timely access to the facility premises and records;
- G. Failure to meet effluent limitations;
- H. Failure to pay civil penalty assessments;
- I. Failure to pay sewer charges;
- J. Failure to meet compliance schedules;
- K. Failure to complete a wastewater survey or the NDWD permit application;
- L. Failure to provide advance notice of the transfer of business ownership of a NDWD permitted facility; or
- M. Violation of any pretreatment standard or requirement, or any terms of the NDWD permit or these Rules and Regulations.

NDWD permits shall be voidable upon cessation of operations or transfer of business ownership. All NDWD permits issued to a particular user are void upon the issuance of a new NDWD permit to that user.

#### **5.5.7 Non-domestic Wastewater Discharge Permit Reissuance**

A user with an expiring NDWD permit shall apply for NDWD permit reissuance by submitting a complete NDWD permit renewal request form, in accordance with Section 5.4.5 of these Rules and Regulations, a minimum of ninety (90) days prior to the expiration date of the user's existing NDWD permit.

#### **5.5.8 Regulation of Waste Received from Other Jurisdictions**

- A. If a municipality, or user located within a municipality, wishes to discharge wastewater to the WSA POTW, the contributing municipality shall enter into an intermunicipal agreement with the WSA.
- B. Prior to entering into an agreement required by paragraph A, above, the contributing municipality shall submit the following information to the WSA.
  - (1) A description of the quality and volume of wastewater discharged to the WSA POTW by the contributing municipality;
  - (2) An inventory of all users located within the contributing municipality that are discharging to the WSA POTW; and
  - (3) Such other information as the WSA may deem necessary.
- C. An intermunicipal agreement, as required by paragraph A, above, shall contain the following conditions:
  - (1) A requirement for the contributing municipality to adopt a sewer use ordinance which is at least as stringent as these Rules and Regulations and local limits which are at least as stringent as those set out in Section 5.2.4 of these Rules and Regulations. The requirement shall specify that such Rules and Regulations and limits must be revised as necessary to reflect changes made to the WSA's Rules and Regulations or local limits;

- (2) A requirement for the contributing municipality to submit a revised user inventory on at least an annual basis;
- (3) A provision specifying which pretreatment implementation activities, including NDWD permit issuance, inspection and sampling, and enforcement, will be conducted by the contributing municipality; which of these activities will be conducted by the WSA; and which of these activities will be conducted jointly by the contributing municipality and the WSA;
- (4) A requirement for the contributing municipality to provide the WSA with access to all information that the contributing municipality obtains as part of its pretreatment activities;
- (5) Limits on the nature, quality, and volume of the contributing municipality's wastewater at the point where it discharges to the POTW;
- (6) Requirements for monitoring the contributing municipality's discharge;
- (7) A provision ensuring the WSA 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 WSA; and
- (8) A provision specifying remedies available for breach of the terms of the intermunicipal agreement.

## **SUBSECTION 5.6 - REPORTING REQUIREMENTS**

### **5.6.1 Baseline Monitoring Reports**

- A. Within either one hundred eighty (180) days after the effective date of a categorical pretreatment standard, or the final administrative decision on a category determination under 40 CFR 403.6(a)(4), whichever is later, existing categorical users currently discharging to or scheduled to discharge to the POTW shall submit to the WSA a report which contains the information listed in paragraph B, below. At least ninety (90) days prior to commencement of their discharge, new sources, and sources that become categorical users subsequent to the promulgation of an applicable categorical standard, shall submit to the WSA a report which contains the information listed in paragraph B, below. A new source shall report the method of pretreatment it intends to use to meet applicable categorical standards. A new source also shall give estimates of its anticipated flow and quantity of pollutants to be discharged.
- B. Users described above shall submit the information set forth below:
  - (1) Identifying Information The name and address of the facility, including the name of the operator and owner.
  - (2) Environmental Permits A list of any environmental control permits held by or for the facility.
  - (3) Description of Operations A brief description of the nature, average rate of production, and standard industrial classifications of the operation(s) carried out by such user. This description should include a schematic process diagram which indicates points of discharge to the POTW from the regulated processes.

- (4) Flow Measurement Information showing the measured average daily and maximum daily flow, in gallons per day, to the POTW from regulated process streams and other streams, as necessary, to allow use of the combined wastestream formula set out in 40 CFR 403.6(e).
- (5) Measurement of Pollutants
  - (a) The categorical pretreatment standards applicable to each regulated process.
  - (b) The results of sampling and analysis identifying the nature and concentration, and/or mass, where required by the standard or by the WSA, 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. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the user must submit documentation as required by the WSA or the applicable Pretreatment Standard to determine compliance with the Pretreatment Standard.
  - (c) The sample shall be representative of daily operations and shall be analyzed in accordance with procedures set out in Section 5.6.9 of these Rules and Regulations.
  - (d) Sampling must be performed in accordance with procedures set out in Section 5.6.10 of these Rules and Regulations.
- (6) Certification A statement, reviewed by the user's authorized representative and certified by a qualified professional, indicating whether pretreatment standards are being met on a consistent basis, and, if not, whether additional operation and maintenance (O&M) and/or additional pretreatment is required to meet the pretreatment standards and requirements.
- (7) Compliance Schedule If additional pretreatment and/or O&M will be required to meet 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 5.6.2 of these Rules and Regulations.
- (8) Signature and Certification All baseline monitoring reports must be signed and certified in accordance with Section 5.4.6 of these Rules and Regulations.

#### **5.6.2 Compliance Schedule Progress Reports**

The following conditions shall apply to the compliance schedule required by Section 5.6.1(B)(7) of these Rules and Regulations:

- A. The schedule shall contain progress increments in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment required for the user to meet the applicable pretreatment standards (such events may include, but are not limited to, hiring an engineer, completing preliminary and final plans, executing contracts for major components, commencing and completing construction, and beginning and conducting routine operation);

- B. No increment referred to above shall exceed nine (9) months;
- C. The user shall submit a progress report to the WSA no later than fourteen (14) days following each date in the schedule and the final date of compliance including, as a minimum, whether or not it complied with the increment of progress, the reason for any delay, and, if appropriate, the steps being taken by the user to return to the established schedule; and
- D. In no event shall more than nine (9) months elapse between such progress reports to the WSA.

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

Within ninety (90) days following the date for final compliance with applicable categorical pretreatment standards, or in the case of a new source following commencement of the introduction of wastewater into the POTW, any user subject to such pretreatment standards and requirements shall submit to the WSA a report containing the information described in Section 5.6.1(B)(4-6) of these Rules and Regulations. For users subject to equivalent mass or concentration limits established in accordance with the procedures in 40 CFR 403.6(c), this report shall contain a reasonable measure of the user's long-term production rate. For all other users subject to categorical 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 5.4.6 of these Rules and Regulations.

### **5.6.4 Periodic Compliance Reports**

- A. All significant industrial users shall, at a frequency determined by the WSA but in no case less than twice per year (in June and December), submit a report indicating the nature and concentration of pollutants in the discharge which are limited by pretreatment standards and the measured or estimated average and maximum daily flows for the reporting period. All periodic compliance reports must be signed and certified in accordance with Section 5.4.6 of these Rules and Regulations. In cases where a significant industrial user is subject to a Pretreatment Standard which requires compliance with a Best Management Practice (or pollution prevention alternative), the user must submit documentation required by the WSA or the Pretreatment Standard necessary to determine the compliance status of the user. In cases where a local limit requires compliance with a Best Management Practice or pollution prevention alternative, the user must submit documentation required by the WSA to determine the compliance status of the user.
- B. All wastewater samples must be representative of the user's discharge. Wastewater monitoring and flow measurement facilities shall be properly operated, kept clean, and maintained in proper working order at all times. The failure of a user to keep its monitoring facility in proper working order shall not be grounds for the user to claim that sample results are unrepresentative of its discharge.
- C. If a user subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the WSA, using the procedures prescribed in Section 5.6.10 of these Rules and Regulations, the results of this monitoring shall be included in the report.

### **5.6.5 Reports of Changed Conditions**

Each user must notify the WSA of any planned significant changes to the user's operations or system which might alter the nature, quality, volume, or character of its wastewater at least ninety (90) days before the change.

- A. The WSA may require the user to submit such information as may be deemed necessary to evaluate the changed condition, including the submission of a non-domestic wastewater discharge permit application under Section 5.4.5 of these Rules and Regulations.
- B. The WSA may issue a NDWD permit under Section 5.4.7 of these Rules and Regulations or modify an existing NDWD permit under Section 5.5.4 of these Rules and Regulations in response to changed conditions or anticipated changed conditions.
- C. For purposes of this requirement, significant changes include, but are not limited to, flow increases of twenty percent (20%) or greater, and the discharge of any previously unreported pollutants.

#### **5.6.6 Reports of Potential Problems**

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

#### **5.6.7 Reports from Un-permitted Users**

All users not required to obtain a NDWD permit shall provide appropriate reports to the WSA as the WSA may require.

#### **5.6.8 Notice of Violation/Repeat Sampling and Reporting**

If sampling performed by a user indicates a violation, the user must notify the WSA within twenty-four (24) hours of becoming aware of the violation. The user shall also repeat the sampling and analysis and submit the results of the repeat analysis to the WSA within thirty (30) days after becoming aware of the violation. Resampling is not required if 1) the WSA performs sampling at the user's facility at least once a month, or 2) if the WSA samples between the time when the initial sampling was conducted and the time when the user or WSA receives the results of this sampling.

#### **5.6.9 Analytical Requirements**

All reports submitted must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report. The data must be representative of conditions occurring during the reporting period. All pollutant analyses, including sampling techniques, to be submitted as part of a NDWD permit application or report shall be performed in accordance with the techniques prescribed in 40 CFR Part 136, unless otherwise specified in an applicable categorical pretreatment standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, sampling and analyses must be performed in accordance with procedures approved by EPA.

#### **5.6.10 Sample Collection**

- A. Except as indicated in Section B, below, the user must collect wastewater samples using flow proportional composite collection techniques. The WSA may authorize the use of time-proportional and grab samples where the user demonstrates that this will provide a representative sample of the effluent being discharged. In addition, grab samples may be required to show compliance with instantaneous discharge limits. Where time-proportional composite sampling or grab sampling is authorized by the WSA, the samples must be representative of the discharge and the decision to allow the alternative sampling must be documented in the users file.
- B. Samples for oil and grease, temperature, pH, cyanide, phenols, sulfides, hexavalent chromium, and volatile organic compounds must be obtained using grab collection techniques. Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: For cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the WSA, as appropriate.
- C. For sampling required in support of baseline monitoring and 90-day compliance reports required in sections 5.6.1 and 5.6.3, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the WSA may authorize a lower minimum. For other reports required by these regulations, the WSA shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and requirements.

#### **5.6.11 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.

#### **5.6.12 Record Keeping**

Users subject to the reporting requirements of these Rules and Regulations shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by these Rules and Regulations including documentation associated with Best Management Practices 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 WSA, or where the user has been specifically notified of a longer retention period by the WSA.

## **SUBSECTION 5.7 - COMPLIANCE MONITORING**

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

The WSA shall have the right to enter the premises of any user to determine whether the user is complying with all requirements of these Rules and Regulations and any NDWD permit or order issued hereunder. Users shall allow the WSA ready access to all parts of the premises for the purpose of inspection, sampling, records examination and copying, and the performance of any additional duties.

- A. Where a user has security measures in force which require proper identification and clearance before entry into its premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the WSA will be permitted to enter without delay for the purpose of performing specific responsibilities.
- B. The WSA 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 operation.
- C. The WSA may require the user to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the user at its own expense. All devices used to measure wastewater flow and quality shall be calibrated annually at a minimum to ensure their accuracy.
- D. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the user at the written or verbal request of the WSA and shall not be replaced. The cost of clearing such access shall be born by the user.
- E. Unreasonable delays in allowing the WSA access to the user's premises shall be a violation of these Rules and Regulations.

### **5.7.2 Search Warrants**

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

## **SUBSECTION 5.8 - CONFIDENTIAL INFORMATION**

Information and data on a user obtained from reports, surveys, NDWD permit applications, NDWD permits, and monitoring programs, and from the WSA 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 WSA, 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 requested and demonstrated by the user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall be made available immediately upon request to governmental agencies for uses related to the NPDES program or pretreatment program, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction.

## **SUBSECTION 5.9 - PUBLICATION OF USERS IN SIGNIFICANT NONCOMPLIANCE**

The WSA shall publish annually, in a newspaper of general circulation that provides meaningful public notice within the jurisdictions served by the WSA, 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 a numeric Pretreatment Standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1);
- 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(1) multiplied by the applicable criteria (1.4 for BOD, TSS, fats, oils and grease, and 1.2 for all other pollutants except pH);
- C. Any other discharge violation that the WSA believes has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of POTW personnel or the general public;
- D. Any discharge of pollutants that has caused imminent endangerment to the public or to the environment, or has resulted in the WSA's exercise of its emergency authority to halt or prevent such a discharge;
- E. Failure to meet, within ninety (90) days of the scheduled date, a compliance schedule milestone contained in a NDWD 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 a violation of Best Management



Practices, which the WSA determines will adversely affect the operation or implementation of the local pretreatment program.

## **SUBSECTION 5.10 - ADMINISTRATIVE ENFORCEMENT REMEDIES**

### **5.10.1 Notification of Violation**

When the WSA finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a NDWD permit or order issued hereunder, or any other pretreatment standard or requirement, the WSA may serve upon that user a written Notice of Violation. Nothing in this section shall limit the authority of the WSA to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.

### **5.10.2 Notification of Corrective Action**

Following any violation of these Rules and Regulations, a NDWD permit or agreement issued hereunder, or any other pretreatment requirement, the WSA may issue a Notice of Corrective Action (NCA) requiring an explanation for the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, to be submitted by the user to the WSA within a time period specified within the NCA. Submission of this explanation and plan shall in no way relieve the user of liability for any violations. Nothing in this section shall limit the authority of the WSA to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Corrective Action.

### **5.10.3 Consent Agreements**

The WSA may enter into Consent Agreements, 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 Section 5.10.5 of these Rules and Regulations and shall be judicially enforceable.

### **5.10.4 Show Cause Hearing**

The WSA may order a user which has violated, or continues to violate, any provision of these Rules and Regulations, a NDWD permit or order issued hereunder, or any other pretreatment standard or requirement, to appear before the WSA 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.

### **5.10.5 Cease and Desist Orders**

When the WSA finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a NDWD permit or order issued hereunder, or any other pretreatment standard or requirement, or that the user's past violations are likely to recur, the WSA may issue an order to the user directing it to cease and desist all such violations and directing the user to:

- A. Immediately comply with all requirements; and
- B. Take such appropriate remedial or preventative 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.

#### **5.10.6 Civil Penalties**

- A. A user who has violated, or continues to violate, any provision of these Rules and Regulations, a NDWD permit, or order issued hereunder, or any other pretreatment standard or requirement shall be liable to the WSA for a maximum civil penalty of \$25,000 per violation, per day as provided under the Pennsylvania Publicly Owned Treatment Works Penalty Law, Act 1992-9, and WSA Board Resolution and Policy adopted pursuant to that Act on December 12, 1992. In the case of a monthly or other long-term average discharge limit, penalties shall accrue for each day during the period of the violation.
- B. The WSA 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 WSA.
- C. In determining the amount of civil liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration of the violation, 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.
- D. Filing a suit for civil penalties shall not be a bar against, or a prerequisite for, taking any other action against a user.
- E. An appeal of any civil action must be made in accordance with the WSA's Civil Penalty Assessment Policy.

#### **5.10.7 Emergency Suspensions**

The WSA 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. The WSA may also immediately suspend a user's discharge, after notice and opportunity to respond, that threatens to interfere with the operation of the POTW, or which presents, or may present, an endangerment to the environment.

- A. Any user notified of a suspension of its discharge shall immediately stop or eliminate its contribution. In the event of a user's failure to immediately comply voluntarily with the suspension order, the WSA may take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW, its receiving stream, or endangerment to any individuals. The WSA may allow the user to recommence its discharge when the user has demonstrated to the satisfaction of the WSA that the period of endangerment has passed, unless the termination proceedings in Section 5.10.8 of these Rules and Regulations are initiated against the user.
- B. A user that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful contribution and the measures taken to prevent any future occurrence, to the WSA prior to the date of any show cause or termination hearing under Sections 5.10.4 or 5.10.8 of these Rules and Regulations.

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

### **5.10.8 Termination of Discharge**

In addition to the provisions in Section 5.5.6 of these Rules and Regulations, any user who violates the following conditions is subject to discharge termination:

- A. Violation of NDWD permit conditions;
- B. Failure to accurately report the wastewater constituents and characteristics of its discharge;
- C. Failure to report significant changes in operations or wastewater volume, constituents, and characteristics prior to discharge;
- D. Refusal of reasonable access to the user's premises for the purpose of inspection, monitoring, or sampling; or
- E. Violation of the pretreatment standards in Section 5.2 of these Rules and Regulations.

Such user will be notified of the proposed termination of its discharge and be offered an opportunity to show cause under Section 5.10.4 of these Rules and Regulations why the proposed action should not be taken. Exercise of this option by the WSA shall not be a bar to, or a prerequisite for, taking any other action against the user.

## **SUBSECTION 5.11 - JUDICIAL ENFORCEMENT REMEDIES**

### **5.11.1 Injunctive Relief**

When the WSA finds that a user has violated, or continues to violate, any provision of these Rules and Regulations, a NDWD permit, or order issued hereunder, or any other pretreatment standard or requirement, the WSA may petition the Court of Common Pleas of Lycoming County, Pennsylvania the issuance of a temporary or permanent injunction, as appropriate, which restrains or compels the specific performance of the NDWD permit, order, or other requirement imposed by these Rules and Regulations on activities of the user. The WSA may also seek such other action as is appropriate for legal and/or equitable relief, including a requirement for the user to conduct environmental remediation. A petition for injunctive relief shall not be a bar against, or a prerequisite for, taking any other action against a user.

### **5.11.2 Criminal Prosecution**

The WSA may initiate a request for criminal prosecution through and as provided by the Ordinances of the Municipality of a user who willfully or negligently violates any provision of these Rules and Regulations, a NDWD permit, or order issued hereunder, or any other pretreatment standard or requirement.

### **5.11.3 Remedies Nonexclusive**

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

## **SUBSECTION 5.12 - SUPPLEMENTAL ENFORCEMENT ACTION**

### **5.12.1 Performance Bonds**

The WSA may decline to issue or reissue a NDWD permit to any user who has failed to comply with any provision of these Rules and Regulations, a previous NDWD permit, or order issued hereunder, or any pretreatment standard or requirement, unless such user first files a satisfactory bond, payable to the WSA, in a sum not to exceed a value determined by the WSA to be necessary to achieve consistent compliance.

#### **5.12.2 Liability Insurance**

The WSA may decline to issue or reissue a NDWD permit to any user who has failed to comply with any provision of these Rules and Regulations, a previous NDWD permit, or order issued hereunder, or any other pretreatment standard or requirement, unless the user first submits proof that it has obtained financial assurances sufficient to restore or repair damage to the POTW caused by its discharge.

#### **5.12.3 Water Supply Severance**

Whenever a user has violated or continues to violate any provision of these Rules and Regulations, a NDWD permit, or order issued hereunder, or any other pretreatment standard or requirement, water service to the user may be severed. Service will only recommence, at the user's expense, after it has satisfactorily demonstrated its ability to comply.

### **SUBSECTION 5.13 - AFFIRMATIVE DEFENSES TO DISCHARGE VIOLATIONS**

#### **5.13.1 Upset**

- A. 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 preventative maintenance, careless or improper operation, or imprudent storage or use of materials or chemical substances.
- B. An upset shall constitute an affirmative defense to an action brought for noncompliance with categorical pretreatment standards if the requirements of paragraph (C), below, are met.
- C. A user who wishes to establish the affirmative defense of upset shall demonstrate, through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An upset occurred and the user can identify the cause(s) of the upset;
  - (2) The facility was at the time being operated in a prudent and workman-like manner and in compliance with applicable operation and maintenance procedures; and
  - (3) The user has submitted the following information to the WSA within twenty-four (24) hours of becoming aware of the upset (if this information is provided orally, a written submission must be provided within five (5) days);
    - (a) A description of the indirect discharge and cause of noncompliance;
    - (b) The period of noncompliance, including exact dates and times or, if not corrected, the anticipated time the noncompliance is expected to continue; and

- (c) Steps being taken and/or planned to reduce, eliminate, and prevent recurrence of the noncompliance.
- D. In any enforcement proceeding, the user seeking to establish the occurrence of an upset shall have the burden of proof.
- E. 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.
- F. Users shall control production of all discharges to the extent necessary to maintain compliance with categorical pretreatment standards upon reduction, loss, or failure of its treatment facility until the facility is restored or an alternative method of treatment is provided. This requirement applies in the situation where, among other things, the primary source of power of the treatment facility is reduced, lost, or fails.

#### 5.13.2 Bypass

- A. For the purposes of this section,
  - (1) "Bypass" means the intentional diversion of wastestreams from any portion of a user's treatment facility.
  - (2) "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which 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.
- B. A user may allow any bypass to occur which does not cause pretreatment standards or requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (C) or (D) of this section.
- C.
  - (1) If a user knows in advance of the need for a bypass, it shall submit prior notice to the WSA, at least ten (10) days before the date of the bypass, if possible.
  - (2) A user shall submit oral notice to the WSA of an unanticipated bypass that exceeds applicable pretreatment standards within twenty-four (24) hours from the time it becomes aware of the bypass. A written submission shall also be provided within five (5) days of the time the user becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The WSA may waive the written report on a case-by-case basis if the oral report has been received within twenty-four (24) hours.
- D.
  - (1) Bypass is prohibited, and the WSA may take an enforcement action against a user for a bypass, unless
    - (a) Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage;
    - (b) There were no feasible 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 preventative maintenance; and

- (c) The user submitted notices as required under paragraph (C) of this section.
- (2) The WSA may approve an anticipated bypass, after considering its adverse effects, if the WSA determines that it will meet the three conditions listed in paragraph (D)(1) of this section.

## **SUBSECTION 5.14 - MISCELLANEOUS PROVISIONS**

### **5.14.1 Pretreatment Charges and Fees**

The WSA may adopt reasonable fees for reimbursement of costs of developing and operating the WSA Pretreatment Program which may include:

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

## **SUBSECTION 5.15 -- NOTICE AND APPEALS**

### **5.15.1 Notice**

- 5.15.1.1** Except as set forth herein, before taking any enforcement action under Sections 5 and 3 these Rules and Regulations, the WSA shall send written notice to the Owner of the property affected and, in the case of enforcement action involving a NDWD Permit, to the person named in the Permit as the Permittee, ten (10) days prior to the effective date of enforcement action. The notice shall be mailed by ordinary mail to the address of the property affected or, in the case of enforcement action involving a NDWD Permit, to the address of the Permittee in the Permit.
- 5.15.1.2** No notice shall be required where the violation or other condition giving rise to the action of the WSA threatens on immediate or substantial endangerment to the health or welfare of persons or property or to the environment, to cause interference to the POTW or to cause the WSA to violate any condition of its NPDES Permit. In such cases, the

WSA shall attempt to give such notice as is practicable under the circumstances.

**5.15.1.3** Where notice of corrective action required is issued pursuant to Section 5.10.2, the notice issued thereunder shall constitute the notice required by subsection 5.15.1.1.

**5.15.1.4** In the event that the notice provisions of this subsection are inconsistent with any provision or requirement of any federal, state, or municipal law, statute, rule or regulation, the provision of such federal, state, or municipal law, statute, rule or regulation shall apply.

## **5.15.2 Appeal**

**5.15.2.1** The Owner, Permittee or any other person directly and substantially aggrieved by the enforcement action of the WSA shall have the right to take an appeal from the notice of enforcement action within ten (10) days from the date of the WSA's written notice of the enforcement action or, if no notice is required pursuant to Section 5.15.1.2, from the date of the WSA's enforcement action, by filing a notice of appeal with the WSA. The notice of appeal shall be in writing, shall specify all objections to the enforcement action or the WSA's determination that a violation of these Rules and Regulations has occurred and the name and address of the appellant.

**5.15.2.2** Upon receipt of the notice of appeal, the WSA shall schedule a hearing on the appeal within thirty (30) days of the notice of appeal. The hearing may be conducted by the Board of the WSA or such person or persons as may be designated by the Board of the WSA to act on behalf of the WSA. The WSA shall provide the appellant ten (10) days written notice of the date, time and place of the hearing, by ordinary mail mailed to the address stated in the notice of appeal.

**5.15.2.3** At any hearing held pursuant to these Rules and Regulations, the WSA Board, or the person designated by the WSA Board to conduct the hearing, shall take the testimony, which testimony shall be under oath. The WSA Board or the person conducting the hearing on behalf of the WSA Board shall not be bound by technical rules or evidence and all relevant evidence of reasonably probative value may be received. Reasonable examination and cross-examination shall be permitted. At the request of any party, the testimony shall be stenographically recorded, with the costs of the stenographic record to be borne by the party so requesting. The appellant may, at the appellant's own expense, be represented by counsel at the hearing.

**5.15.2.4** The final determination of the appeal shall be made by the WSA Board. If the hearing was conducted by a person designated by the WSA Board, such person shall make a recommendation to the WSA Board. The WSA Board's determination shall be in writing and shall set forth the findings or reasons for the WSA Board's determination. The WSA Board's determination may also include an order directing specific corrective action and time tables for corrective action or such other orders and directives as are deemed necessary and appropriate by the WSA Board.

**5.15.3 Stay of Enforcement Action**

5.15.3.1 The taking of an appeal pursuant to Section 5.15.2 shall not stay the enforcement action of the WSA, except as set forth herein.

5.15.3.2 Any Owner, Permittee or other person substantially and directly aggrieved by the enforcement action of the WSA desiring a stay of the enforcement action shall file with the notice of appeal a request for a stay and a written statement of reasons why the enforcement action should be stayed pending the appeal. The statement shall include verification that a stay of the enforcement action, under the existing circumstances or the circumstances reasonably likely to exist during the pendency of the appeal, shall not pose any threat of endangerment to the health or welfare of any person or property or to the environment to cause interference with the POTW or to cause the WSA to violate any condition of the NPDES Permit.

5.15.3.3 The determination of whether to stay the enforcement action of the WSA shall be made by the WSA Board or a person designated by the WSA Board. Written notification of the determination shall be sent by ordinary mail to the address set forth in the notice of appeal.

**SECTION 6. SEVERABILITY**

If any of the provisions, sections or parts of these Rules and Regulations or the application of any provision hereof shall be held invalid, such invalidity shall not affect or impair any of the remainder of these Rules and Regulations, it being the intention of the WSA Board that the remainder shall be and remain in full force and effect.

**SECTION 7. EFFECTIVE DATE**

These Rules and Regulations shall be in full force and effect immediately following its passage, approval, and publication, as provided by law.

Duly adopted by the Board of the Williamsport Sanitary Authority this 17th day of December, 2008.

Revised and adopted by the Board of the Williamsport Sanitary Authority, September 24, 2014.

ATTEST

Williamsport Sanitary Authority

Eiderson A. Dean  
Secretary

Thomas A. Frazier  
Chairman of the Board



APPENDIX 1 - SCHEDULE OF RATES

WILLIAMSPORT SANITARY AUTHORITY

RULES AND REGULATIONS

SCHEDULE OF RATES

Effective on all Billings after January 1, 2015
Authorized by Board action of October 22, 2014

SCHEDULE NO. 1 - CHARGES FOR SANITARY SEWER SERVICE

All Property Owners shall pay a charge for sewer service as provided by current Rules and Regulations. Quarterly charges will be assessed per thousand gallons registered according to the rate structure listed below:

City of Williamsport Rate District (Billed Quarterly)

- \$10.00 quarterly Service Fee per unit plus \$10.60 per thousand gallons billed
\$1.33 per thousand gallons billed for sewer discharged from municipal swimming pools

Flat Rate (customers not on metered water).....\$137.80

Loyalsock Township Rate District (Billed Quarterly)

- District 1 - \$10.00 Service Fee per unit plus \$11.05 per 1,000 gallons billed - Flat Rate (customers not on metered water) = \$172.00
District 2 - \$10.00 Service Fee per unit plus \$10.80 per 1,000 gallons billed - Flat Rate (customers not on metered water) = \$168.00
District 3 - Flat Rate (customers not on metered water) = \$158.25
District 4 - \$10.00 Service Fee per unit plus \$10.40 per 1,000 gallons billed - Flat Rate (customers not on metered water) = \$158.25
District 5 - \$10.00 Service Fee per unit plus \$10.80 per 1,000 gallons billed - Flat Rate (customers not on metered water) = \$168.00

Woodward Township Rate District (Billed Monthly)

Flat Rate of \$64.50 per month per EDU.

SCHEDULE NO. 2 - SURCHARGE FOR HIGH STRENGTH WASTES

All property owners shall pay a surcharge for high strength waste as provided for in Section 2.1 according to the following schedule:

CBOD5, lbs. per quarter.....	\$0.21 per lb. excess over 170 mg/l
Suspended Solids, lbs. per quarter.....	\$0.21 per lb. excess over 200 mg/l
Chlorine Demand, lbs. per quarter.....	Actual cost of chlorine per lb. per quarter in excess of 25 mg/l

**SCHEDULE NO. 3 – TAPPING FEE**

(Authorized by Board Action June 26, 2013)

I. Connection Fee	
6” Lateral and Cleanout	
Local Road.....	\$3,750.00
State Maintained.....	\$5,100.00
II. Customer Facilities Fee	No charge at present
III. Tapping Fee	
a. Capacity Part (fee per max. month average day gl. of required capacity)	\$3.95
b. Collection Part	No charge at present
c. Reimbursement Part	No charge at present
d. Special Purchase Part	No charge at present

The capacity part of the tapping fee shall be applied per resolution in the following manner:

1) Residential Connection within the City of Williamsport \$908.50  
Per single residential dwelling unit

2) Non-Residential Connections within the City of Williamsport  
Based upon the wastewater capacity required by the connection as determined by the Authority’s Director of Engineering taking into consideration the volume, strength, and character of the proposed wastestream. Additional capacity charges will be assessed for concentrations that exceed the following parameters for normal residential strength wastewater:

Carbonaceous BOD	170 mg/l
Total Suspended Solids	200 mg/l
Other pollutants that require the use of additional capacity	

All fees assessed hereunder are due and payable in accordance with the Rules and Regulations of the Williamsport Sanitary Authority.

3) Connections outside the City of Williamsport:  
Based upon the total amount of capacity requested by that municipality as determined

by the Authority's Director of Engineering taking into consideration the volume, strength, and character of the proposed wastestream. Additional capacity charges will be assessed for concentrations that exceed the following parameters for normal residential strength wastewater:

Carbonaceous BOD	170 mg/l
Total Suspended Solids	200 mg/l
Other pollutants that require the use of additional capacity	

- IV. Loyalsock Township Tapping Fee.....\$4,000.00 per EDU
- V. Woodward Township Tapping Fee.....\$5,000.00 per EDU

**SCHEDULE NO. 4 – SEWER DEDUCT METER**

(Authorized by Board Action September 24, 2014)

A \$500.00 annual fee shall be charged per account for inspection, maintenance, reading, or replacement of the meter. This fee will be billed on a quarterly basis at \$125.00 per quarter. In addition, customers requesting sewer deduct meters will be charged the cost of the meters for the initial installation. After the initial installation, the meter remains the responsibility of the Authority.

**APPENDIX II  
WSA LOCAL LIMITS**

Local limits revised on May 25, 2006 (Central Plant) and May 31, 2006 (West Plant) and adopted by WSA Board resolution on October 25, 2006.

PARAMETER	LOCAL LIMIT (mg/L)		INDUSTRIAL ALLOCATION (LB/D)	
	CENTRAL PLANT	WEST PLANT	CENTRAL PLANT	WEST PLANT
ARSENIC	0.15	0.13	0.17	0.11
CADMIUM	0.11	0.16	0.12	0.13
CHROMIUM	38.27	14.50	42.77	12.42
COPPER	0.42	2.85	0.48	2.44
CYANIDE	5.09	4.61	4.55	3.93
LEAD	0.74	0.76	0.82	0.63
MERCURY	0.0461	0.0420	0.0566	0.0347
NICKEL	2.43	3.16	2.72	2.63
SILVER	0.47	0.39	0.52	0.32
ZINC	8.93	8.09	10.69	6.89