

BUTLER AREA SEWER AUTHORITY
BUTLER COUNTY, PENNSYLVANIA

RULES AND REGULATIONS
GOVERNING INDUSTRIAL SEWER USE

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**BUTLER AREA SEWER AUTHORITY
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ARTICLE I

GENERAL PROVISIONS

PURPOSE AND POLICY

- 1.01** The Board of the Butler Area Sewer Authority has duly adopted the following Rules and Regulations governing the admission of industrial wastes to the Publicly Owned Treatment Works.
- 1.02** The Butler Area Sewer Authority, a body corporate and politic, existing under the laws of the Commonwealth of Pennsylvania, pursuant to the Municipal Authorities Act of 1945, approved May 2, 1945, P. L. 382, as amended, was duly organized by the City of Butler and the Township of Butler, pursuant to the Municipal Authorities Act of 1935, approved June 28, 1935, P. L. 463, as amended.
- 1.03** These Rules and Regulations set forth uniform requirements for direct and indirect contributors of industrial wastes into the wastewater and collection system owned and operated by the Authority, and enable the Authority to comply with all applicable State and Federal laws required by the Clean Water Act of 1977 and the General Pretreatment Regulations (40 CFR, Part 403).
- 1.04** The basic objectives of these Rules and Regulations are:
- (A) To prevent the introduction of pollutants into the municipal wastewater system, which will interfere with the operation of the system or contaminate the resulting sludge;
 - (B) To prevent the introduction of pollutants into the municipal wastewater system which will pass through the system, inadequately treated, into receiving waters or the atmosphere or otherwise be incompatible with the system;
 - (C) To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and
 - (D) To provide for equitable distribution of the cost of the municipal wastewater system.
- 1.05** These Rules and Regulations provide for the regulation of direct and indirect industrial waste contributors to the municipal wastewater system through the issuance of permits to

certain non-domestic users and through enforcement of general requirements for the other users, authorize monitoring and enforcement activities, require user reporting, assume that existing customer's capacity will not be preempted, and provide for the setting of fees for the equitable distribution of costs resulting from the pretreatment program established herein.

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

CONFLICT

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

SEVERABILITY

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

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ARTICLE II

DEFINITIONS AND ABBREVIATIONS

DEFINITIONS

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

- (1) **Abnormal Industrial Waste** shall mean any industrial waste having a suspended solid content or a five-day biochemical oxygen demand (BOD₅) appreciably in excess of that normally found in municipal sewage. For the purposes of these Regulations, any industrial waste containing more than 350 milligrams per liter of suspended solids, or having a BOD₅ in excess of 300 milligrams per liter, shall be considered an abnormal industrial waste regardless of whether or not it contains other substances in concentrations differing appreciably from those normally found in municipal sewage.
- (2) **Act or 'the Act'**. The Federal Water Pollution Control Act, also known as the Clean Water Act, as amended, 33 U.S.C. 1251, et. seq.
- (3) **Approval Authority**. The Administrator of the U. S. EPA Region III office until such time that the State's pretreatment program is approved, when the Director of the Pennsylvania DEP will become the Approval Authority.
- (4) **Authority** shall mean the Butler Area Sewer Authority, a body corporate and politic, organized and existing under the laws of the Commonwealth of Pennsylvania.
- (5) **Authorized Representative of Industrial User**. An authorized representative of an Industrial User shall mean:
 - (a) A responsible corporate officer (president, secretary, treasurer or vice-president of the corporation) if the user is a corporation;
 - (b) A general partner or proprietor if the user is a partnership or sole proprietorship, respectively; or
 - (c) A duly authorized representative of the individual(s) described in (a) or (b) of this section if:

- (i) The authorization is in writing by the individual described in (a) or (b);
 - (ii) This authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates or overall responsibility for environmental matters for the company; and
 - (iii) The written authorization is submitted to the Authority.
- (6) **Board** shall mean the elected and appointed members of the Board of the Butler Area Sewer Authority, as now or hereafter constituted, and its duly authorized agents or representatives.
 - (7) **Biochemical Oxygen Demand (BOD)**. The quantity of oxygen required for the biological and chemical oxidation of waterborne substances under standard laboratory procedure in five (5) days at 20 degrees Centigrade expressed in terms of weight and volume (milligrams per liter - mg/L). It shall be determined by one of the acceptable methods described in the current edition of "Standard Methods for the Examination of Water and Wastewater."
 - (8) **Categorical Standards**. National Categorical Pretreatment Standards or Pretreatment Standard.
 - (9) **City** shall mean the City of Butler, a political subdivision of Butler County and the Commonwealth of Pennsylvania.
 - (10) **Combined Sewer** shall mean a sewer designated to receive both sanitary sewage and storm water runoff, which has been approved for such purposes.
 - (11) **Cooling Water (Noncontact Cooling Water)**. The water used for any air conditioning, cooling, or refrigeration purposes which does not come into direct contact with any raw material, intermediate product, waste product or finished product.
 - (12) **Current Edition** of Standard Methods for the Examination of Water and Wastewater published by the American Public Health Association shall mean the latest edition published and current at the time the determination of any analysis required is to be made.
 - (13) **Department of Environmental Protection (DEP)** shall mean the Pennsylvania Department of Environmental Protection, or where

appropriate, the term may also be used as a designation for the Director or other duly authorized official of said agency.

- (14) **Direct Discharge.** The discharge of treated or untreated wastewater directly to the waters of the Commonwealth of Pennsylvania.
- (15) **Environmental Protection Agency (EPA)** shall mean the U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.
- (16) **Expansion** shall mean an increase in hydraulic capacity.
- (17) **Federal Categorical Pretreatment Standard or Federal Pretreatment Standard.** Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with Section 307(b) and (c) of the Act, which applies to industrial users. This term includes national prohibitive discharge limits established pursuant to Section 403.5 of the General Pretreatment Regulations (40 CFR Part 403) and Pretreatment Standards for specific industrial categories (e.g., 40 CFR Chapter I, Subpart N, Parts 405-471).
- (18) **Garbage** shall mean solid wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.
- (19) **Grab Sample.** A sample which is taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.
- (20) **Holding Tank Waste.** Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.
- (21) **Indirect Discharge.** The discharge or the introduction of non-domestic pollutants from any source regulated under Section 307(b) or (c) of the Act, (33 U.S.C. 1317), into the POTW (including holding tank waste discharge into the system).
- (22) **Industrial User.** A source of Indirect Discharge which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402, of the Act. (33 U.S.C. 1342).
- (23) **Industrial Waste Permit.** A discharge permit issued by the Authority pursuant to the requirements of Article IV of these Rules and Regulations.
- (24) **Industrial Wastes** shall mean any liquid, gaseous or waterborne wastes from industrial processes or commercial establishments as distinct from sanitary sewage.

- (25) **Interference** shall mean any discharge which, alone or in conjunction with a discharge or discharges from other sources, both:
- (a) Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal: and
 - (b) Therefore is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Section 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) including Title II more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including any State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA, the Clean Air Act, the Toxic Substances Control Act, and the Marine Protection, Research and Sanctuaries Act.
- (26) **Manager** shall mean the person designated by the Butler Area Sewer Authority to supervise the administration and operation of the Publicly Owned Treatment Works and is charged with certain duties and responsibilities by these Rules and Regulations, or his duly authorized representative.
- (27) **Minor Industrial User.** Any industrial user, which does not meet the criteria for classification as a Significant Industrial User, that discharges small quantities of non-domestic wastewater other than sanitary sewage to the POTW.
- (28) **Municipality** shall mean the City, and/or the Township.
- (29) **National Pollution Discharge Elimination System (NPDES) Permit.** A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).
- (30) **National Prohibitive Discharge Standard or Prohibitive Discharge Standard.** Any regulation developed under the authority of Section 307(b) of the Act and 40 CFR, Section 403.5.
- (31) **New Source** shall mean any building, structure, facility or installation from which there is or may be a discharge of pollutants, the construction of which is commenced after the publication of proposed 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 activity as the existing source should be considered.

Construction on a site at which an existing source is located results in modification rather than a new source if the construction does not create a new building, structure, facility or installation meeting the criteria of paragraphs (a), (b) or (c) of this section but otherwise alters, replaces, or adds to an existing process or production equipment. Construction of a new source as defined under this section has commenced if the owner or operator has:

- (a) Begun, or caused to begin as part of a continuous on-site construction program any placement, assembly, or installation of facilities or equipment; or significant site preparation work including clearing, grubbing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
 - (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this definition.
- (32) **Occupied Building** shall mean any structure erected and intended for continuous or periodic habitation, occupancy or use by human beings or animals, and from which structure sanitary sewage and industrial wastes, or either thereof, is or may be discharged.
- (33) **Owner** shall mean the person, firm, corporation or association having an interest as owner, or a person, firm, corporation or association representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is, or is about to be furnished sewage service by the Authority, and the word "Owners" means all so interested.
- (34) **Pass-Through** shall mean a discharge which exits the POTW into navigable waters of the United States in quantities or concentrations

which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES Permit (including an increase in the magnitude or duration of a violation).

- (35) **Person.** Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.
- (36) **pH** shall mean the logarithm to the base 10 of the reciprocal of the hydrogen ion concentration expressed in moles per liter. It shall be determined by one of the acceptable methods described in the Current Edition of "Standard Methods for the Examination of Water and Wastewater."
- (37) **Pollutant.** Any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.
- (38) **Pollution.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.
- (39) **POTW Treatment Plant.** That portion of the POTW designed to provide treatment to wastewater.
- (40) **Premises** shall mean the property or area including the improvements thereon, to which sewage service is or will be furnished, and as used herein shall be taken to designate:
- (a) A building under one roof, owned or leased by one customer, and occupied as a place of business or for manufacturing or industrial purposes, or
 - (b) A group or combination of buildings owned by one customer, in one common enclosure, occupied by one organization, corporation or firm as a place of business or for manufacturing or industrial purposes.
- (41) **Pretreatment or Treatment.** The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes; or process changes and other means, except as prohibited by 40 CFR Section 403.6(d).

- (42) **Pretreatment Requirements.** Any substantive or procedural requirement related to pretreatment, other than a National Pretreatment Standard imposed on an industrial user by the Federal, State, or local pretreatment authorities.
- (43) **Properly Shredded Garbage** shall mean the wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce that have been shredded to such degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1/2 in.) in any dimension.
- (44) **Publicly-Owned Treatment Works (POTW)** shall mean all separate sanitary sewers, all combined sewers, all sewage pumping stations, all sewage treatment works, and all other sewerage facilities owned and operated by the Authority for the collection, transportation and treatment of sanitary sewage and industrial wastes, together with their appurtenances, and any additions, extensions, or improvements thereto that may be made by the Authority. It does not include separate storm sewers or culverts which have been constructed for the sole purpose of carrying storm and surface runoff, the discharge from which is not and does not become tributary to the Authority's sewage treatment facilities.
- (45) **Sanitary Sewage** shall mean the normal water-carried household and toilet wastes from residences, business buildings, institutions, industries and commercial establishments, exclusive of storm water runoff, surface water, groundwater and industrial waste.
- (46) **Sanitary Sewer** means a sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, industrial plants, and institutions and to which storm, surface and groundwaters are not intentionally admitted.
- (47) **Sewage** shall mean a combination of water-carried wastes from residences, business buildings, institutions, and industrial and commercial establishments, together with such ground, surface or storm water as may be present.
- (48) **Sewer** shall mean a pipe or conduit for carrying sewage or other waste liquids.
- (49) **Shall** is mandatory; **May** is permissive.
- (50) **Significant Industrial User (SIU).** Any Industrial User who: (i) is subject to any Federal Categorical Pretreatment Standards under 40 CFR Section 403.6 and 40 CFR Chapter I, Subchapter N; or (ii) discharges an average flow of 25,000 gallons per day (gpd) or more of process

wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); or (iii) contributes a process wastestream which makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or (iv) is designated as such by the Authority, the EPA or the Pennsylvania DEP on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement.

- (51) **Standard Industrial Classification (SIC).** A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.
- (52) **State.** Commonwealth of Pennsylvania.
- (53) **Storm Sewer** shall mean a sewer which is intended to carry storm water runoff, surface waters, groundwater drainage, etc., but which is not intended to carry any sanitary sewage or industrial waste.
- (54) **Storm Water.** Any flow occurring during or following any form of natural precipitation and resulting therefrom.
- (55) **Storm Water Runoff** shall mean that portion of the rainfall which reaches a drain.
- (56) **Suspended Solids** shall mean solids that either float on the surface or are in suspension in water, sewage, industrial waste, or other liquids, and which are removable by laboratory filtration. The quantity of suspended solids shall be determined by one of the acceptable methods described in the Current Edition of "Standard Methods for the Examination of Water and Wastewater."
- (57) **Township** shall mean Butler Township, a political subdivision of Butler County and the Commonwealth of Pennsylvania.
- (58) **Toxic Pollutant.** Any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the provision of the Clean Water Act 307(a) or other Acts.
- (59) **Treatment Works.** Any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature to implement Section 201 of Public Law 92-500, 33 U.S.C., or necessary to recycle or reuse water at the most economical cost over the useful life of the works, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power, and other equipment and their appurtenances; extension improvement, remodeling, additions, and alterations thereof; elements essential to provide a reliable

recycled supply such as standby treatment units and clear water facilities; and any works, including site acquisition of the land that will be an integral part of the treatment process or is used for ultimate disposal of residuals resulting from each treatment; or any other method or system for preventing, reducing, storing, treating, separating, or disposing of municipal waste, including storm water runoff, or industrial waste, including waste in combined storm water and sanitary sewer systems.

- (60) **Unpolluted Water or Waste** shall mean any water or waste containing none of the following: free or emulsified grease or oil; acid or alkali; phenols or other substances imparting taste and odor to receiving waters; toxic or poisonous substances in suspension, colloidal state or solution; obnoxious or odorous gases. It shall contain not more than 1,000 milligrams per liter by weight of dissolved solids of which not more than 250 milligrams per liter shall be as chloride, and not more than 10 milligrams per liter each of suspended solids and BOD5. The color shall not exceed 50 platinum-cobalt color units. Analyses for any of the above-mentioned substances shall be made in accordance with the Current Edition of "Standard Methods for the Examination of Water and Wastewater."
- (61) **Upgrading.** An increase in the level of treatment provided to improve the quality of the effluent water.
- (62) **Upset.** Any exceptional incident in which there is unintentional and temporary noncompliance with Federal Categorical Pretreatment Standards or local standards adopted pursuant to these Rules and Regulations because of factors beyond the reasonable control of the industrial user. An upset does not include noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation.
- (63) **User.** Any person who contributes, causes or permits the contribution of wastewater into the Authority's POTW.
- (64) **Wastewater.** The liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions, together with any groundwater, surface water, and storm water that may be present, whether treated or untreated, which is contributed to or permitted to enter the POTW.
- (65) **Watercourse** shall mean any channel in which a flow of water occurs, either continuously or intermittently.
- (66) **Waters of the State.** All streams, lakes, ponds, marshes, water courses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface

or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

ABBREVIATIONS

2.02 The following abbreviations shall have these designated meanings:

BOD ₅	Biochemical Oxygen Demand
CFR	Code of Federal Regulations
COD	Chemical Oxygen Demand
DEP	Department of Environmental Protection
EPA	U.S. Environmental Protection Agency
L	Liter
mg	Milligrams
mg/L	Milligrams Per Liter
NPDES	National Pollutant Discharge Elimination System
POTW	Publicly Owned Treatment Works
SIC	Standard Industrial Classification
SWDA	Solid Waste Disposal Act, 42 U.S.C. 6901, et. seq.
USC	United States Code
TSS	Total Suspended Solids

**BUTLER AREA SEWER AUTHORITY
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ARTICLE III

REGULATION OF WASTEWATER DISCHARGES

GENERAL DISCHARGE PROHIBITIONS

3.01 No user shall contribute or cause to be contributed, directly or indirectly, any pollutants that will pass through the POTW or interfere with the operation or performance of the POTW. These general prohibitions apply to all such users of the POTW whether or not the user is subject to Federal Categorical Pretreatment Standards or any other Federal, State, or local Pretreatment Standards or Requirements. A user may not contribute the following substances to the POTW:

- (A) Any liquids, solids or gases which by reason of their nature or quantity are or may be sufficient, either alone or by interaction with any other substances to create a fire or explosion hazard in the POTW, including, but not necessarily limited to, any wastestreams with a closed-cup flashpoint of less than 140°Fahrenheit or 60°Centigrade using the test methods specified in 40 CFR Section 261.21. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the public sewer system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. Restricted materials include, but are not limited to, gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances which the Authority, the DEP or EPA deem to pose a fire or explosion hazard.
- (B) Any solid or viscous substances which may cause obstruction to the flow in a sewer, cause mechanical action which will destroy the sewer structures, or in the opinion of the Authority may cause other interference with the operation of the POTW including, but not limited to: grease, garbage with particles greater than one-half inch (1/2 in.) in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (C) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure or interfere with

any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the POTW, or exceed the limitation set forth in a Categorical Pretreatment Standard. A toxic pollutant shall include, but not be limited to any pollutant identified pursuant to Section 307(a) of the Act.

- (D) Any noxious or malodorous liquid, gas, or solid which either singly or by interaction with other wastes is, in the opinion of the Authority, sufficient to create a public nuisance or hazard to life or is sufficient to prevent entry into the sewers for their maintenance and repair.
- (E) Any substance which may cause the POTW's effluent or any other product of the POTW such as residues, sludges, or scums, to be unsuitable for reclamation and reuse or to interfere with the reclamation process where the POTW is pursuing a reuse and reclamation program. In no case shall a substance discharged to the POTW cause the POTW to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- (F) Any substance which will cause the POTW to violate its NPDES and/or State Disposal System Permit or the receiving water quality standards for Connoquenessing Creek.
- (G) Any wastewater containing dyes, paints, pigments, ink, or other coloring agents which are not removed by the treatment process, and are in sufficient quantity to add any coloration above that of normal sewage, or cause objectionable color.
- (H) Any wastewater having a temperature in excess of 65°C (150°F) or which will inhibit biological activity in the POTW treatment plant resulting in interference, but in no case wastewater that causes the temperature of the wastewater at the point of introduction into the POTW treatment plant to exceed 40°C (104°F).
- (I) Any pollutant, including oxygen demanding pollutants (BOD, etc.) released in a discharge at a flow rate and/or pollutant concentration which will cause interference to the POTW. Where the Authority deems it advisable, it may require any person discharging industrial wastes to utilize flow equalization or restricted discharge rates to prevent potential slug loading problems, such as in the case of batch discharges.
- (J) Any wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Authority in compliance with applicable State or Federal regulations.

- (K) Any wastewater or pollutants which result in the presence of toxic gases, vapors, or fumes within the POTW in a quantity that may cause acute or chronic worker health and safety problems.
- (L) Any wastewater having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property capable of causing damage or hazards to structures, equipment, or personnel of the POTW. Where the Authority deems it advisable, it may require any person discharging industrial wastes to install and maintain at his own expense, in a manner approved by the Authority, a suitable device to continuously measure and record the pH of the wastes so discharged.
- (M) Any wastewater containing petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause interference or pass-through, or wastewater containing more than 100 mg/L of fat, oil or grease (Freon extractables) of animal or vegetable origin.
- (N) Any wastewater containing insoluble, non-flocculent substances having a specific gravity in excess of 2.65, or soluble substances in such concentrations as to cause the specific gravity of the waste to be greater than 1.1.
- (O) Any wastewater containing more than 10 parts per million of any of the following gases: hydrogen sulfide, sulfur dioxide, nitrous oxide or any of the halogens.
- (P) Any trucked or hauled wastewater or pollutants, except at a discharge point(s) designated by the Authority.

3.02 When the Authority determines that a user is contributing any of the above enumerated substances to the POTW in such amounts that will pass-through or interfere with the operation of the POTW, the Authority shall: (1) advise the user of the impact of the contribution on the POTW; (2) develop specific effluent limitation(s) for such user to correct the interference with the POTW; and/or (3) initiate appropriate enforcement action against the user pursuant to the provisions of Article VI of these Rules and Regulations.

SPECIFIC POLLUTANT LIMITATIONS

3.03 No person shall discharge any wastewaters containing any of the following substances in solution in concentrations exceeding the following maximum permissible concentrations:

<u>PARAMETER</u>	<u>DAILY MAXIMUM CONCENTRATION</u>
Arsenic (Total)	0.53 mg/L

Cadmium (Total)	0.25 mg/L
Chromium (Total)	1.12 mg/L
Copper (Total)	0.34 mg/L
Lead (Total)	0.52 mg/L
Mercury (Total)	0.0002 mg/L
Molybdenum (Total)	1.82 mg/L
Nickel (Total)	6.84
Selenium (Total)	0.26 mg/L
Silver (Total)	2.46 mg/L
Zinc (Total)	2.21 mg/L
Cyanide (Total)	0.67 mg/L
PCB's	0.000065 mg/L

or any other elements which will, in the opinion of the Authority, damage collection facilities or otherwise be detrimental to the treatment processes. The limits set forth above may be amended from time to time as deemed necessary by the Authority to protect the facilities and ensure the POTW's compliance with applicable NPDES Permit conditions and water quality standards.

SPECIAL AGREEMENTS

3.04 No statement contained in these Rules and Regulations shall be construed as prohibiting any special agreement or arrangement between the Authority and any person or industrial user whereby an industrial waste of unusual strength or character may be discharged to the POTW by the user, provided the objectives of the General Pretreatment Regulations and the provisions of these Rules and Regulations are fulfilled. Similar to any other requirements imposed under these Rules and Regulations, the provisions of such special agreement will be superseded by any more stringent requirements of any applicable Federal Categorical Pretreatment Standard.

FEDERAL CATEGORICAL PRETREATMENT STANDARDS

- 3.05** Upon the promulgation of the Federal Categorical Pretreatment Standard for a particular industrial subcategory, the Federal Standard, if more stringent than limitations imposed under these Rules and Regulations for sources in that subcategory, shall immediately supersede the limitations imposed under these Rules and Regulations. The Authority shall notify all affected users of the applicable Federal Standards and the applicable reporting requirements under 40 CFR, Section 403.12, such as the Baseline Monitoring Report.

MODIFICATION OF FEDERAL PRETREATMENT STANDARDS

- 3.06** Where the Authority's wastewater treatment system achieves consistent removal of pollutants limited by Federal Pretreatment Standards, the Authority may apply to the Approval Authority for modification of specific limits in the Federal Pretreatment Standards. "Removal" shall mean a reduction in the amount of a pollutant or an alteration of the nature of a pollutant in the influent to the POTW to a less toxic or harmless state in the effluent. Consistent removal shall mean the average of the lowest 50 percent of the removals measured according to the procedures set forth in Section 403.7(b)(2) of Title 40 of the Code of Federal Regulations, Part 403 - "General Pretreatment Regulations for Existing and New Sources of Pollution" promulgated pursuant to the Act. The Authority may modify pollutant discharge limits in the Federal Pretreatment Standards if the requirements contained in 40 CFR, Part 403, Section 403.7, are fulfilled and prior approval from the Approval Authority is obtained.

STATE REQUIREMENTS

- 3.07** State requirements and limitations on discharges shall apply in any case where they are more stringent than federal requirements and limitations or those imposed under these Rules and Regulations.

RIGHT OF REVISION

- 3.08** The Authority reserves the right to establish by supplemental Rules and Regulations more stringent limitations or requirements on discharges to the POTW if deemed necessary.

EXCESSIVE DISCHARGE

- 3.09** No user shall ever increase the use of process water or cooling water or, in any way, attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the limitations contained in the Federal Categorical Pretreatment Standards, or in any other specific pollutant limitation developed by the Authority or State.

ACCIDENTAL DISCHARGES

- 3.10** Each user shall provide protection from accidental discharge of prohibited materials or other substances regulated by these Rules and Regulations. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner or user's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the Authority for review, and shall be approved by the Authority before construction of the facility. All existing users shall complete and submit such a plan within 90 days after the effective date of these Rules and Regulations. No user who commences contribution to the POTW after the effective date of these Rules and Regulations shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the Authority. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to modify the user's facility as necessary to meet the requirements of these Rules and Regulations.
- 3.11** All industrial users, whether permitted or not, shall immediately telephone and notify the Authority of all accidental spills, slug discharges, or other discharges that could cause potential problems for the POTW. This notification shall include the location of the discharge, type of waste, concentration and volume of waste, and any mitigating and/or corrective actions taken. Upon request by the Authority, the industrial user shall also prepare and submit to the Authority within five (5) days after such notice a detailed written report describing the cause of the discharge and the measures to be taken by the user to prevent any similar occurrences in the future. Such notification shall not relieve the user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the POTW, fish kills, or any other damage to person or property; nor shall such notification relieve the user of any fines, civil penalties, or other liability which may be imposed by these Rules and Regulations or other applicable law.
- 3.12** 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 dangerous discharge. Employers shall ensure that all employees who may cause or suffer such a dangerous discharge to occur are advised of the emergency notification procedure.

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

ARTICLE IV

ADMINISTRATION OF INDUSTRIAL WASTE PERMITS

PERMIT REQUIREMENTS

- 4.01** It shall be unlawful for any existing or new commercial or industrial facility or any other non-residential facility to discharge any type of wastewater to the POTW without first obtaining a Sewer Service Permit from the Authority in accordance with the provisions of the Authority's General Rules and Regulations Governing Sewage Service of January 1, 1964, as amended, and the provisions of these Rules and Regulations.
- 4.02** Upon notification by the Authority, all existing commercial and industrial users shall complete and submit to the Authority within thirty (30) days after such notification a completed Industrial Waste Discharge Survey questionnaire, using forms provided by the Authority. All new commercial and industrial users shall complete and submit to the Authority a completed Industrial Waste Discharge Survey questionnaire, using forms provided by the Authority, prior to, and as a condition of, obtaining a Sewer Service Permit.
- 4.03** It shall be unlawful for any existing significant industrial user within the Authority's service area to discharge any wastewater to the POTW without obtaining a Class I Industrial Waste Permit issued by the Authority in accordance with the provisions of these Rules and Regulations Governing Industrial Sewer Use. All significant industrial users proposing to connect to or discharge to the POTW must first obtain a Class I Industrial Waste Discharge Permit from the Authority before connecting to or discharging to the POTW.
- 4.04** It shall be unlawful for any existing minor industrial user within the Authority's service area to discharge any non-domestic wastewater to the POTW without obtaining a Class II Industrial Waste Permit issued by the Authority in accordance with the provisions of these Rules and Regulations Governing Industrial Sewer Use. All minor industrial users proposing to connect to or discharge to the POTW must first obtain a Class II Industrial Waste Discharge Permit from the Authority before connecting to or discharging to the POTW.

PERMIT APPLICATION

- 4.05** Users required to obtain an Industrial Waste Permit shall complete and file with the Authority, a permit application in the form prescribed by the Authority, and accompanied

by an application fee according to the fee schedule adopted by the Authority. Under the provisions of Section 5.02 of these Rules and Regulations, the Authority reserves the right to assess additional charges and fees to cover any reasonable costs incurred by the Authority in reviewing and processing the permit application. Existing significant industrial users shall apply for an Industrial Waste Permit within 90 days after written notification from the Authority that the user must obtain a permit. Proposed new users shall apply at least 90 days prior to connecting to or contributing to the POTW. In support of the permit application, the user shall submit, in units and terms appropriate for evaluation, the following information wherever possible:

- (A) Name, address, and location of facility (if different from the mailing address);
- (B) SIC number according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- (C) Wastewater constituents and characteristics including but not limited to those mentioned in Article III of these Rules and Regulations as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- (D) Time and duration of contribution;
- (E) Average daily and three minute peak wastewater flow rates, including daily, monthly, and seasonal variations, if any;
- (F) Site plans, floor plans, mechanical and plumbing plans or sketches to approximate scale and sufficient detail to show all sewers, sewer connections, and appurtenances by the size, location, and elevation,
- (G) Description of activities, facilities and plant processes on the premises including a list of all toxic pollutants and pollutants prohibited or regulated by these Rules and Regulations which are or could potentially be discharged to the POTW;
- (H) Where known, the nature and concentration of any pollutants in the discharge which are limited by any Authority, State or Federal Pretreatment Standards, and a statement regarding whether or not the pretreatment standards are being met on a consistent basis and, if not, whether additional operation and maintenance (O & M) and/or additional pretreatment is required for the user to meet applicable Pretreatment Standards;
- (I) If additional pretreatment and/or operation and maintenance procedures will be required to meet the Pretreatment Standards, the user shall submit shortest schedule by which the user will provide such additional

pretreatment. The completion date in this schedule shall not be later than the compliance date established for the applicable Pretreatment Standard:

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress 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 (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - (2) No increment referred to in paragraph (1) above shall exceed nine months.
 - (3) No later than 14 days following each date in the schedule and the final date for compliance, the user shall submit a progress report to the Authority including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the user to return the construction to the schedule established. In no event shall more than nine months elapse between such progress reports to the Authority.
- (J) Each product produced by type, amount, process or processes and rate of production;
- (K) Type and amount of raw materials processed (average and maximum per day);
- (L) Number of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system; and/or
- (M) Any other information as may be deemed by the Authority to be necessary to evaluate the permit application.

4.06 The Manager of the Authority shall review the permit application for completeness within 60 days of its receipt and notify the applicant in writing as to whether the application is considered complete or incomplete. If the application is incomplete, the Manager shall specify the additional information that is required to complete the application and a date for submitting the necessary information. After an application is completed, the Manager may still request additional information but only to clarify, modify or supplement the previously submitted material. If the Manager deems it necessary, a site visit may be scheduled with the applicant to assist the Manager in evaluating the application. Failure or refusal to correct deficiencies in the application within a reasonable time schedule may be cause for permit denial and appropriate enforcement action as per Article VI of these Rules and Regulations.

4.07 The Manager shall issue a draft Industrial Waste Permit or notice of intent to deny a permit within 60 days after receipt of the completed application. The applicant shall be given a minimum 30-day period to review and comment on the proposed permit or permit denial. Upon request, the Manager shall schedule an informal meeting with the applicant to review the draft permit or proposed permit denial action. In the event that the applicant and the Manager cannot come to an agreement on the draft permit or permit denial, the applicant may request a formal meeting before the Authority Board to appeal the permit denial or specific provisions of the draft permit. A request for an appeal must be submitted in writing to the Board within 30 days after the informal meeting with the Manager. The request shall clearly state the specific action or provision(s) being appealed and the grounds for the appeal. Within 30 days after the close of the applicant's review period or the appeal meeting, the Authority shall issue a final Industrial Waste Permit.

PERMIT MODIFICATIONS

4.08 As soon as possible after the promulgation of a Federal Categorical Pretreatment Standard, the Industrial Waste Permit of users subject to such standards shall be revised to require compliance with such standard within the time frame prescribed by such standard. Within 180 days after the effective date of the applicable Federal Categorical Pretreatment Standard, any user which has not previously submitted an application for an Industrial Waste Permit, as required by Section 4.05 of these Rules and Regulations, shall submit to the Authority an application for an Industrial Waste Permit and a Baseline Monitoring Report as required by 40 CFR, Part 403, Section 403.12(b). Within 180 days after the effective date of the applicable Federal Categorical Standard, any user with an existing Industrial Waste Permit shall submit to the Authority a Baseline Monitoring Report including the information required by Section 4.03(H) and (I) of these Rules and Regulations.

PERMIT CONDITIONS

4.09 Industrial Waste Permits shall be expressly subject to all provisions of these Rules and Regulations and all other applicable regulations, user charges and fees established by the Authority. Permits may contain the following requirements:

- (A) Unit charges or a schedule of user charges and fees for the wastewater to be discharged to the POTW;
- (B) Limits on the average and maximum wastewater constituents and characteristics;
- (C) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;

- (D) Requirements for installation and maintenance of inspection and sampling facilities;
- (E) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- (F) Compliance schedules, however, it must be noted that no such compliance schedule shall exempt an industrial user from further enforcement action for failure to meet a compliance date for any applicable Federal Pretreatment Standards;
- (G) Requirements for submission of technical reports or discharge reports (See Section 4.11 of these Rules and Regulations);
- (H) Requirements for maintaining and retaining plant records relating to the wastewater discharge as specified by the Authority, and affording the Authority access thereto;
- (I) Requirements for prior notification of the Authority of any new introduction of wastewater constituents or any substantial change in the volume or character of the wastewater constituents being introduced into the wastewater treatment system;
- (J) Requirements for notification of slug or accidental discharges as per Section 3.11 of these Rules and Regulations, and developing and implementing a Slug Discharge Control Plan in accordance with the requirements of Section 403.8(f)(1)(v) of 40 CFR Part 403; and/or
- (K) Requirements for compliance with all applicable Federal Categorical Pretreatment Standards and reporting requirements;
- (L) Requirements for submitting to the Authority all available sampling and monitoring data conducted in accordance with 40 CFR Part 136 procedures;
- (M) Requirements for developing and implementing a Spill Prevention and Control Plan and use of best management practices (BMP's) to prevent spills or accidental discharges from entering the POTW system; and/or
- (N) Other conditions as deemed appropriate by the Authority to ensure compliance with these Rules and Regulations.

PERMIT DURATION

4.10 Permits shall be issued for a specified time period, not to exceed five (5) years. A permit may be issued for a period less than a year or may be stated to expire on a specific date. The terms and conditions of the permit may be subject to modification by the Authority

during the term of the permit if the limitations or requirements identified in Article III are modified or other just cause exists. The user shall be informed of any proposed changes in his permit at least 30 days prior to the effective date of the change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

PERMIT RENEWAL

4.11 A user with a currently effective permit shall submit a new permit application to the Authority at least 180 days before the expiration date of the existing permit, unless permission for a later date has been granted by the Manager. The terms and conditions of the existing permit shall remain fully effective and enforceable until the effective date of a new permit, provided the Permittee has properly submitted a complete application for permit renewal within the specified time period, and the Authority has not revoked the existing permit or denied the permit renewal in accordance with the provisions of these Rules and Regulations.

PERMIT TRANSFER

4.12 Industrial Waste Permits are issued to a specific user for a specific operation. A permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation without the prior written approval of the Authority. The Permittee shall notify the succeeding owner or controller of the existence of this Permit by certified letter, a copy of which shall be forwarded to the Authority, at least thirty (30) days prior to completing any such transfer. Any succeeding owner or user shall also comply with the terms and conditions of the existing permit until such time that a new permit is issued by the Authority.

REPORTING REQUIREMENTS

4.13 All categorical and non-categorical industrial users, whether permitted or not, shall notify the Authority immediately of all discharges that could cause problems to the POTW, including any slug loadings or accidental spills by the industrial user.

4.14 All significant industrial users shall notify the Authority within 24 hours of becoming aware of a violation, based on the sampling performed by the industrial user. In addition, the industrial user shall also repeat the sampling and analysis for the pollutant parameter in noncompliance and submit the results of the repeat analysis to the Authority within 30 days after becoming aware of the violation.

4.15 All categorical and non-categorical industrial users, whether permitted or not, shall promptly notify the Authority in advance of any substantial change in the volume or character of pollutants in their discharge, including the listed or characteristic hazardous wastes for which the industrial user has submitted an initial notification under Section 403.12(p) of 40 CFR Part 403. Formal written notification shall be submitted to the Authority at least 60 days prior to any anticipated changes that will result in increased pollutant contributions or the introduction of any new pollutants so that permit requirements can be established as necessary.

- 4.16** All industrial users, whether permitted or not, shall notify the Authority, the U. S. EPA, and the Pennsylvania DEP in writing of any discharge into the public sewer system of any substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261, in accordance with the requirements of Section 403.12(p) of 40 CFR Part 403. At a minimum, such notification must include the name of the listed or characteristic hazardous wastes, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). The industrial user shall also notify the Authority in writing at least sixty (60) days in advance of any substantial change in the volume or character of any listed or characteristic hazardous wastes discharge for which the Permittee has submitted initial notification under Section 403.12(p).
- 4.17** Within 180 days after the effective date of any Categorical Pretreatment Standard now or later promulgated by the U. S. EPA, or 180 days after the final administrative decision made upon a category determination submission under 40 CFR Section 403.6(a)(4), whichever is later, any industrial user subject to such Categorical Pretreatment Standards and currently discharging to or scheduled to discharge to the POTW shall be required to submit to the Authority a Baseline Monitoring Report (BMR) containing the information listed in paragraphs (b)(1) through (b)(7) of 40 CFR Section 403.12. At least 90 days prior to commencement of any discharge, New Sources, and any sources that become industrial users subsequent to the promulgation of an applicable Categorical Standard, shall be required to submit to the Authority a Baseline Monitoring Report (BMR) which contains the information listed in paragraphs (b)(1) through(b)(5) of 40 CFR Section 403.12 and information on the method of pretreatment the source intends to use to meet the applicable Pretreatment Standards.
- 4.18** Within 90 days following the date for final compliance with applicable Categorical Pretreatment Standards or in the case of a New Source following commencement of the introduction of wastewater into the POTW, any industrial user subject to Pretreatment Standards and Requirements shall submit to the Authority a 90-day Compliance Report containing the information described in paragraphs (b)(4) through (b)(6) of 40 CFR Section 403.12. For industrial users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.
- 4.19** The Baseline Monitoring Report and 90-day Compliance Report that must be submitted by categorical industrial users shall include a statement, reviewed and signed by an Authorized Representative of the Industrial User as defined in these Rules and Regulations, and certified to 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 for the industrial user to comply with the applicable Pretreatment Standards and Requirements.
- 4.20** Any industrial user subject to a Categorical Pretreatment Standard, after the compliance date of such Pretreatment Standard, or, in the case of a New Source, after commencement

of the discharge into the POTW, shall submit to the Authority during the months of June and December, unless required more frequently in the Pretreatment Standard or by the Authority, a periodic compliance report indicating the nature and concentration of pollutants in the effluent which are limited by such Categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows during the reporting period. At the discretion of the Authority and in consideration of such factors as local high or low flow rates, holidays, budget cycles, etc., the Authority may agree to alter the months during which the above reports must be submitted. For industrial users subject to equivalent mass or concentration limits established by the Authority, this report shall contain a reasonable measure of the user's long-term production rate. For all other industrial users subject to Categorical Pretreatment Standards expressed in terms of allowable pollutant discharge per unit of production (or other measure of operation), this report shall include the user's actual production during the appropriate sampling period.

- 4.21** All noncategorical Significant Industrial Users (SIU's) shall submit to the Authority at least once every six months (on dates specified by the Authority), unless required more frequently by the Authority, a periodic compliance report describing the nature, concentration, and flow of the pollutants discharged to the POTW and any other information deemed appropriate by the Authority.
- 4.22** The Baseline Monitoring Reports, 90-day Compliance Reports and periodic compliance reports from both categorical and noncategorical industrial users shall be based upon sampling and analyses of the discharge, including the flow or production and mass where requested by the Authority, performed during the period covered by the report. All sampling and analyses shall be representative of normal work cycles or production levels and the expected pollutant discharges to the POTW. All sampling techniques, methods of sample preservation, and analytical techniques shall be in accordance with the procedures and standards described in 40 CFR Part 136 and amendments thereto. Where 40 CFR Part 136 does not include sampling or analytical techniques for the pollutant in question, or where the EPA Administrator determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analysis shall be performed using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the Authority or other persons, approved by the EPA Administrator.
- 4.23** All Baseline Monitoring Reports, 90-day Compliance Reports and periodic compliance reports from both categorical and noncategorical industrial users shall be signed by an Authorized Representative of the Industrial User as defined in these Rules and Regulations and include 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 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."

MONITORING FACILITIES

- 4.24** When required by the Authority, an industrial user shall install a suitable manhole or manholes on his connecting sewer or sewers to facilitate observation, sampling and measurement of the combined flow of wastes from his premises. Alternate monitoring facilities or arrangements may be acceptable to the Authority under certain conditions and will be considered on a case-by-case basis. Such manhole or manholes shall be accessible and safely located and shall be constructed in accordance with plans approved by the Authority. The monitoring facilities shall be installed by the Owner at his expense and shall be maintained by him so as to be safe and accessible to the Authority or its authorized representative at all times.
- 4.25** There shall be ample room in or near such sampling manhole or monitoring facility to allow accurate sampling and preparation of samples for analysis. The monitoring facilities that the user is required to install shall be maintained at all times in a safe and proper operating condition at the expense of the user.
- 4.26** Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Authority's requirements and all applicable local construction standards and specifications. Construction shall be completed within 180 days following written notification by the Authority.

INSPECTION AND SAMPLING

- 4.27** The Authority shall inspect the facilities of any user to ascertain whether the purpose of these Rules and Regulations is being met and all requirements are being complied with. Persons or occupants of premises where wastewater is created or discharged shall allow the Authority or their representative(s) ready access at all reasonable times to all parts of the premises necessary for the purpose of inspection, sampling, records examination (including the right to inspect and copy records) or in the performance of any of their duties. The right of access for inspection shall extend to, but not necessarily be limited to, production areas or other premises where wastewater discharges are generated, chemical storage areas, hazardous waste storage areas, any pretreatment facilities, and any sampling and monitoring equipment or facilities. The Authority and the Approved Authority shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a user has security measures in force which would require proper identification and clearance before entry into their premises, the user shall make necessary arrangements with their security guards such that upon presentation of suitable identification, personnel from the Authority, designated representatives of the Authority, and/or the Approval Authority will be permitted to enter, without delay, for the purposes of performing their specific responsibilities.

PRETREATMENT

- 4.28** Users shall provide necessary wastewater treatment as required to comply with these Rules and Regulations and shall achieve compliance with all Federal Categorical Pretreatment Standards within the time limitations as specified by the Federal Pretreatment Regulations. Existing sources shall comply with Categorical Pretreatment Standards within three years of the date the Standard is effective, unless a shorter compliance time is specified in the applicable Standard. New sources shall install and have in operating condition, and shall "start-up" all pollution control equipment required to meet applicable Pretreatment Standards before beginning to discharge to the POTW. Within the shortest feasible time (not to exceed 90 days), New Sources must meet all applicable Pretreatment Standards.
- 4.29** Any facilities required to pretreat wastewater to a level acceptable to the Authority shall be provided, operated, and maintained at the user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to the Authority for review, and shall be acceptable to the Authority before construction of the facility. The review and approval of such plans and operating procedures will in no way relieve the user from the responsibility of modifying the facility as necessary to produce an effluent acceptable to the Authority under the provisions of these Rules and Regulations. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to the Authority prior to the user's initiation of the changes.

SIGNIFICANT NONCOMPLIANCE PUBLICATION

- 4.30** The Authority shall annually publish in the City's largest daily newspaper a list of the industrial users which, at any time during the previous 12 months, were in significant noncompliance with applicable pretreatment requirements. For the purposes of this provision, an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:
- (A) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same parameter;
 - (B) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the average limit multiplied by the applicable TRC (TRC = 1.4 for BOD, TSS, fats, oil and grease, and TRC = 1.2 for all other pollutants except pH);
 - (C) Any other violation of a pretreatment effluent limit (daily maximum or longer average) that the Authority determines has caused, alone or in combination with other discharges, interference or pass-through (including endangering the health of POTW personnel or the general public);

- (D) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under Section 403.8(f)(1)(vi)(B) of 40 CFR Part 403 or Section 6.01 of Article VI of these Rules and Regulations to halt or prevent such discharge;
- (E) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction, or attaining final compliance;
- (F) Failure to provide, within 30 days after the due date, required reports such as Baseline Monitoring Reports (BMR's), 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
- (G) Failure to accurately report noncompliance; or
- (H) Any other violation or group of violations which the Authority determines will adversely affect the operation or implementation of the local pretreatment program.

CONFIDENTIAL INFORMATION

- 4.31** All records relating to compliance with Pretreatment Standards shall be made available to officials of the EPA or Pennsylvania DEP upon request.
- 4.32** Information and data on a user obtained from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the Authority that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user.
- 4.33** When requested by the person furnishing a report, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the general public but shall be made available upon written request to governmental agencies for uses related to these Rules and Regulations, the National Pollutant Discharge Elimination System (NPDES) Permit, and/or the State Disposal System provided, however, that such portions of a report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

RECORDS RETENTION

- 4.34** All users subject to these Rules and Regulations shall retain and preserve for no less than three (3) years any records, books, documents, memoranda, reports, correspondence and

any and all summaries thereof, relating to monitoring, sampling and chemical analyses made by or in behalf of a user in connection with its discharge. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Authority or Municipality pursuant hereto shall be retained and preserved by the user until all enforcement activities have concluded and all periods of limitation have expired.

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

ARTICLE V

FEES

PURPOSE

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

CHARGES AND FEES

5.02 The Authority may adopt charges and fees which may include:

- (A) Fees for reimbursement of the costs of setting up and operating the Authority's Pretreatment Program;
- (B) Fees for compliance monitoring, inspections and surveillance procedures;
- (C) Fees for reviewing accidental discharge procedures and construction;
- (D) Fees for permit applications;
- (E) Fees for filing appeals;
- (F) Fees for consistent removal (by the Authority's POTW) of pollutants otherwise subject to Federal Pretreatment Standards; or
- (G) Other fees as the Authority may deem necessary to carry out the requirements contained herein.

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

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

**ARTICLE VI
ENFORCEMENT**

EMERGENCY ACTION POWERS

- 6.01** The Manager of the Authority may, upon informal notice to an industrial user, order the user to immediately halt or prevent a discharge to the POTW which, in the opinion of the Manager, reasonably appears to present an imminent endangerment to the health or welfare of persons. For the purpose of this Paragraph, informal notice to an industrial user may be issued by a telephone call, an on-site inspection or visit, a cease and desist order, or any combination of these methods.
- 6.02** In the event that an industrial user should fail to voluntarily comply with an emergency order to immediately halt or prevent a discharge to the POTW, the Manager shall take whatever action deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the POTW or the endangerment of any individuals. The costs associated with any such emergency action shall be assessed to the industrial user, and the Authority shall not be responsible for any damages, including loss of income, as a result of such emergency action.
- 6.03** The Authority shall authorize permission to resume a discharge that has been halted under the emergency action provisions of Paragraph 6.01 upon satisfactory proof that the imminent danger has been eliminated. Within 15 days after the date of any such emergency action, the industrial user shall submit to the Authority a detailed written statement describing the cause or causes of the harmful contribution that necessitated the emergency action, and the measures that will be taken to prevent any future occurrence of the incident.

REVOCACTION OF PERMIT

- 6.04** The conditions and requirements of these Rules and Regulations are applicable to all permitted industrial users and shall be incorporated into the user's permit either expressly or by reference. The Permittee has a duty to comply with all of the conditions of these Rules and Regulations. Any noncompliance constitutes a violation of the Rules and Regulations and is subject to appropriate enforcement action including, but not limited to, permit revocation or denial of a permit renewal application.
- 6.05** The Authority may revoke an industrial user's permit and suspend wastewater treatment service, or deny a permit renewal application, for any of the following causes:

- (A) Determination by the Authority that the discharge presents or may present an endangerment to the environment or which threatens to interfere with the operation of the POTW;
- (B) Failure of the user to disclose fully all relevant facts during the permit application or issuance process, or the user's misrepresentation of any relevant facts at any time;
- (C) Falsifying monitoring or compliance reports, or tampering with or knowingly rendering inaccurate any monitoring device or method required to be maintained under the user's permit.
- (D) Refusal of reasonable access to the user's premises for the purpose of inspection or monitoring; and
- (E) Willful and knowing failure to comply with any conditions of the user's permit or these Rules and Regulations;

6.06 In the event of a non-emergency situation, where the Authority has determined that a user's discharge presents or may present a threat to the environment or the operation of the POTW, or where revocation of a user's Industrial Waste Permit is warranted as an enforcement action; the Authority shall, after formal written notification to the affected user and provision of ample opportunity for the user to respond, require the user to halt or prevent the discharge.

NOTIFICATION OF VIOLATION

6.07 Except in cases of emergency situations subject to the provisions of Section 6.01 of these Rules and Regulations, whenever the Authority determines that an industrial user has violated or is violating any prohibitions, limitations or requirements of the user's permit or these Rules and Regulations, the Authority may issue by certified mail a formal written notification stating the nature of the violation. The user shall be afforded a minimum period of 30 days after the receipt of the notification of violation within which to correct the deficiency or violation, or to submit to the Authority a proposed corrective action plan and schedule for correcting the violation. However, all violations result in immediate liability and the Authority may seek such penalties and/or take other enforcement action as it deems necessary during this response period.

6.08 In the case of procedural violations, an industrial user may correct the violation by fulfilling the duties or requirements that are deficient. The Authority shall review the corrective action taken by the user to determine whether or not the violation has been adequately corrected. Failure to correct a violation within a reasonable time period may result in further enforcement action.

6.09 In the case of discharge violations, the industrial user may correct the violation by process modifications or implementing appropriate pretreatment technology. The Authority shall review the proposed corrective action plan and schedule submitted by the user to determine whether or not the plan is adequate to correct the violation and

consistent with the objectives of any applicable Federal Pretreatment Standards and the General Pretreatment Regulations. The Authority may require modifications to the plan and schedule, including the submission of interim progress reports, to verify correction of the violation within an appropriate compliance schedule. The Authority may modify the user's permit to incorporate a reasonable schedule of compliance to implement an acceptable corrective action plan. In no case will any such compliance schedule exempt a user from further enforcement action by the Authority for the discharge violations or from enforcement action for failure to meet a compliance date in any applicable Federal Pretreatment Standards.

NOTIFICATION OF ENFORCEMENT ACTION

- 6.10** Except in the case of emergency situations subject to the provisions of Paragraph 6.01 of these Rules and Regulations, whenever the Authority deems it necessary to take enforcement action, including revocation of the user's permit, under the provisions of these Rules and Regulations, the Authority may issue the affected user a formal written notification of the proposed enforcement action by certified mail. Such notice shall state the basis for the proposed action and the reasons for the Authority's tentative action.
- 6.11** The industrial user shall be afforded a minimum period of 30 days within which to comment on the proposed action and to submit to the Authority a written request for a meeting with the Authority to appeal the proposed action. All requests for an appeal meeting shall clearly state the specific action or provision(s) of the proposed action that is being appealed, and the grounds upon which the appeal is based. Any supporting evidence that is relevant to the appeal must also be submitted with the request for appeal. The Authority may deny the appeal request on the basis of insufficient grounds, or may schedule a meeting for the user to present the appeal to the Authority. As soon as practicable after the conclusion of the review period or the appeal meeting, the Authority shall issue to the user a formal written notification of the intended enforcement action and their conclusions. It must also be noted that all violations result in immediate liability and the Authority may seek such penalties and/or take other enforcement action as it deems necessary during the 30-day response period.

UPSET PROVISIONS

- 6.12** Under the conditions specified in Section 403.16 of the Federal General Pretreatment Regulations for Existing and New Sources of Pollution (40 CFR, Part 403), an upset shall constitute an affirmative defense to an enforcement action for noncompliance with either Federal Categorical Standards or local standards adopted pursuant to these Rules and Regulations. Any industrial user seeking to establish the occurrence of an upset shall have the burden of proof to demonstrate that the conditions necessary for an upset according to the General Pretreatment Regulations have been met.

SHOW CAUSE HEARING

- 6.13** In certain cases, such as those involving revocation of a user's permit, the Authority may order a user to show cause before the Authority why the proposed enforcement action should not be taken. A notice shall be served on the user specifying the time and place of a hearing to be held by the Authority regarding the violation, the reasons why the action is to be taken, the proposed enforcement action, and directing the user to show cause

before the Authority why the proposed enforcement action should not be taken. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten (10) days before the hearing. Service may be made on any agent or officer of a corporation.

- 6.14** The Authority may itself conduct the hearing and take evidence, or may designate any of its members, or in conjunction with the affected user and the Authority may designate an arbitrator or board of arbitration to:
- (A) Issue in the name of the Authority notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
 - (B) Take the evidence;
 - (C) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Authority for action thereon.
- 6.15** At any hearing held pursuant to these Rules and Regulations, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.
- 6.16** After the Authority has reviewed the evidence, it may issue an order to the user responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed on existing treatment facilities, devices or other related appurtenances and are properly operated. Further orders and directives as are necessary and appropriate may be issued.

LEGAL ACTION

- 6.17** If any person discharges sewage, industrial wastes or other wastes into the Authority's POTW contrary to the provisions of these Rules and Regulations, Federal or State Pretreatment Requirements, or any order of the Authority, or is found to be in violation of any other pretreatment standards or requirements of these Rules and Regulations or Federal Pretreatment Requirements, the Authority's Solicitor may commence an action for appropriate injunctive and/or equitable relief in the Circuit Court of Butler County.

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

ARTICLE VII

PENALTIES AND DAMAGES

CRIMINAL PENALTIES

- 7.01** Any person who is found to violated an order of the Authority or who fails to comply with any provision of these Rules and Regulations or the orders, rules, regulations, and permits issued hereunder by the Authority, shall be subject to criminal penalties in accordance with the provisions of the local ordinance adopted by the Municipality within which the user's facility is located. A minimum penalty of at least one thousand dollars (\$1,000), and the costs of prosecution, and in default of payment of penalty and costs, to undergo imprisonment for not more than thirty days, is the recommended penalty for each offense. Each day's continuation of a violation shall constitute a separate offense. In addition to the penalties recommended herein, the local Municipality shall be able to recover court costs, court reporters' fees and any other expense of litigation by appropriate suit at law against the person found to have violated the provisions of these Rules and Regulations.
- 7.02** Any person who knowingly makes any false statement, representation or certification in any application, record, report, plan or other document filed or required to be maintained under these Rules and Regulations, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under these Rules and Regulations shall be subject to criminal penalties in accordance with the provisions of the local ordinance adopted by the Municipality with appropriate jurisdiction. A minimum penalty of at least one thousand dollars (\$1,000), and costs of prosecution, and in default of payment of penalty and costs, to undergo imprisonment for not more than thirty days, is the recommended penalty for each offense. In addition to the penalties recommended herein, the local Municipality shall be able to recover court costs, court reporters' fees and any other expense of litigation by appropriate suit at law against the person found to have violated the provisions of these Rules and Regulations.

RECOVERY OF DAMAGES AND/OR COSTS

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

subject to further enforcement action according to the provisions of these Rules and Regulations.

CIVIL ACTIONS

- 7.04** Each sewerage service charge or surcharge levied by the Authority according to the General Rules and Regulations Governing Sewage Service of January 1, 1964 (as amended) and any fees assessed by the Authority according to Article V of these Rules and Regulations shall be a debt due the Authority. If any charge so established shall not be paid within thirty (30) days after it shall be due and payable, the amount thereof, together with a penalty of ten percent (10%) and a reasonable attorney's fee, may be recovered by the Authority in a civil action, or as provided in Paragraph 7.06 of these Rules and Regulations.
- 7.05** In the event of failure to pay the sewer service charge, surcharges or fees after they become delinquent, the Authority shall be authorized to remove or close the sewer connection and shall have the right to enter upon the property of the user of the service for such purpose and to take such steps as may be necessary to accomplish such removal or closing, and the cost of such removal or closing, as well as the expense of restoring any such service, shall likewise be a debt due the Authority and may be recovered by civil action, and such sewage service shall not again be turned on, nor the sewage connection restored until all service charges, including the expense of removal, closing and restoration shall have been paid. Change of ownership or occupancy or premises found delinquent shall not be cause for reducing or eliminating these penalties.
- 7.06** All charges under these Rules and Regulations are hereby made a charge against the property and a lien thereon, to be levied and collected against the property in the name of the owner or reputed owner, occupier, mortgagee, or anyone beneficially interested therein, as claims are liened and collected under the Municipal Claims Law of the Commonwealth of Pennsylvania or by suit in assumpsit and not as an alternative, but as an additional cumulative remedy, the Authority may require the Water Utility servicing the premises to shut off the water supply until all charges are paid to the Authority in accordance with the provisions of the Act of April 14, 1949, P. L. 482 (53 P.S. 2261) and its supplements and amendments.