



March 4, 2019

**VIA E-FILING**

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Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120

**Re: Wastewater Service Agreement between SUEZ Water Pennsylvania Inc. – Wastewater Division and the Danville Municipal Authority, Docket No. U-2019-3008004**

**Answers to Bureau of Technical Utility Services Data Requests**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission are the verified answers of SUEZ Water Company to the above-referenced data requests. Please contact me if you have any questions about the enclosed.

Thank you for your attention to this matter.

Sincerely,

COZEN O'CONNOR

BY: JONATHAN P. NASE

JPN

Enclosures

cc: Paul Zander, Bureau of Technical Utility Services  
William Kelvington

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Wastewater Service Agreement between SUEZ :  
Water Pennsylvania Inc. – Wastewater Division : Docket No. U-2019-3008004  
and the Danville Municipal Authority :

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing **Answers to BTUS Data Requests Concerning Wastewater Service Agreement Between SUEZ Water Pennsylvania Inc. – Wastewater Division and Danville Municipal Authority**, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**VIA E-MAIL AND FIRST CLASS MAIL**

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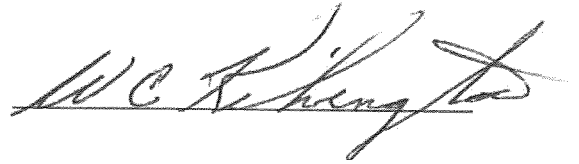
Jonathan P. Nase, Esquire  
Counsel for *SUEZ Water Pennsylvania Inc.*

Date: March 4, 2019

## VERIFICATION

I, William C. Kelvington, hereby state that the facts set forth above are true and correct to the best of my knowledge, information and belief and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to unsworn falsification to authorities).

Date: March 4, 2019

A handwritten signature in black ink, appearing to read "W C Kelvington", written over a horizontal line.

Bureau of Technical Utility Services

Water/Wastewater Division

Data Request Set 1

Wastewater Service Agreement between SUEZ Water Pennsylvania Inc. – Wastewater Division and the Danville Municipal Authority at Docket No. U-2019-3008004

- U-1. The Wastewater Service Agreement's (Agreement's) Section G-1 references documents titled "Wastewater Rules & Regulations for the Borough of Danville and All Bulk Users" and "Resolution No. 3 of 2013". Please provide a copy of each of these documents and all subsequent revisions of these documents.

Answer:

Please see attached.

Answer provided by: William C. Kelvington, SWPA Director of Operations

Date: March 4, 2019

**Danville Municipal Authority  
Montour County, Pennsylvania**

*Wastewater Rules and Regulations for the  
Borough of Danville and All Bulk Users*

*Resolution No. 2013 – 3*

*As first Adopted March 11, 2013*

Danville Municipal Authority  
Montour County, Pennsylvania

Wastewater Rules & Regulations for the  
Borough of Danville and All Bulk Users

Resolution No. 2013 - 3

As First Adopted March 11, 2013

These Rules and Regulations shall become effective on and after March 11, 2013, to all properties then and after connected to the wastewater collection and/or treatment system. All prior Authority rules, regulations, and resolutions not consistent herewith are hereby repealed, provided however, that all rights accrued and monies due the Borough and Authority under any such rules, regulations, and resolutions are preserved to the Authority. The Authority reserves the right to amend these Rules and Regulations in such manner and at such times as, in its opinion, may be advisable.

Walter R. Shultz DMA Chairman

John E. Corna

Benjamin Brown

Blasky

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**ARTICLE 1 – DEFINITION OF TERMS**

ACT or The ACT shall mean the Clean Water Act, as amended, 33 U.S.C. §§ 1251 to 1387.

Air Testing or Air Tested shall refer to a method whereby a Building Sewer Lateral is pressurized with air for the purpose of detecting leaks or defects in the pipe being tested.

ADF shall mean the Average Daily Flow. It is calculated by dividing the total flow over a given period (generally a month, quarter or year) by the number of days in that period. ADF is generally expressed in terms of MGD or gpd.

Allocated Cap shall mean the contractual right of a Bulk User during the term of their AGREEMENT to discharge domestic wastewater generated within the boundaries of Bulk User to the Danville WWTP, as applicable and appropriate, in the amounts set forth in the Bulk Users Agreement with DMA; provided, however, that such contractual right shall not be deemed to vest any legal ownership or title to the DMA WWTP or collection system in the Bulk User, which legal ownership or title shall remain exclusively in the Danville Municipal Authority through the term hereof and thereafter.

Annual Average Daily Flow shall be calculated at the end of each calendar year by dividing the total flow contributed for the year by 365 days/year.

Annual Mass Load (lbs) equals the sum of the Monthly Mass Loads for one year.

Applicant shall mean any person selling or purchasing real property located within the Service Area.

Approval Authority shall mean the Administrator of EPA.

Authority shall mean the Danville Municipal Authority (DMA), a Pennsylvania municipal authority, unless otherwise indicated in the preceding text.

Authorized Representative of Industrial User may be:

- 1) If the industrial user is a corporation: a president, secretary, treasurer or vice-president in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation;
- 2) A 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;
- 3) A general partner or proprietor if the industrial user is a partnership or sole proprietorship, respectively;
- 4) A principal executive officer or director having responsibility for the overall operation of the discharging facility if the industrial user is a governmental entity, charitable organization or other such unincorporated entity; or
- 5) A duly authorized representative of one of the above if the authorization is made in writing by one of the enumerated individuals and specifies either (i) an individual, or

(ii) a position having responsibility for the overall operation of the facility. When a written authorization is no longer accurate, a new authorization satisfying this requirement must be submitted to the Control Authority prior to or with any reports being signed by the new authorized representative.

Backwater Prevention Device includes, but is not limited to, backwater overflow devices, backwater check valves, pressure relief devices, shutoff systems, and any other devices DMA may approve for the purpose of preventing or minimizing the possibility that raw sewage will back up into any structure or for any similar purpose.

Best Management Practices or Best Management Plans (BMPs) means schedules of activities, prohibitions of practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the state. BMPs include treatment requirements, operating procedures and practices to control site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage.

BOD shall mean Biochemical Oxygen Demand, which is defined as the quantity of oxygen, expressed in milligrams per liter (mg/l), utilized in the biological oxidation of organic matter under standard laboratory procedures for 5 days at 20 degrees centigrade. BOD shall be determined by the standard laboratory procedure, performed by a laboratory certified by PADEP to complete said test, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

Borough shall mean the Borough of Danville, Montour County, Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, unless otherwise indicated in the preceding text. The Borough is responsible for administration and operation of the Danville WWTP under an AGREEMENT with the DMA.

Building Drain shall mean and refer to that part of the lowest piping of a building drainage system which receives the discharge from waste and other drainage pipes within the building or structure and conveys it to the Building Sewer Lateral. The point of connection of the Building Drain to the Building Sewer Lateral shall be within two (2) feet of the outside of the Building Wall. A cleanout and Backwater Prevention Device shall be installed at the point of connection of the Building Drain to the Building Sewer Lateral.

Building Sewer Lateral or Sewer Lateral or Lateral shall mean and refer to that part of a drainage system which extends from the end of the Building Drain System to a Public Sewer. The Building Sewer Lateral shall terminate at the wye or other connection to the public sewer and shall include that portion which may lie within any public street or right of way is not a Public Sewer.

Building Wall shall refer to the exterior component part of a structure built, erected, framed and designed for the housing, shelter, enclosure or support of persons, animals, or property of any kind.

Bulk User shall mean entities that have entered into a Service Agreement with DMA to transport and/or treat wastewater from a limited number of connection points. Bulk Users shall include, but not necessarily be limited to, the following users: Cooper Township, the Danville State Hospital, Geisinger Medical Center, Mahoning Township, Riverside Borough and Valley Township.

Bypass shall mean the intentional diversion of wastewater from any portion of an industrial user's pretreatment facility through which the wastewater normally passes.

Capital Costs shall mean the costs of planning, designing, permitting, financing, constructing and equipping the wastewater infrastructure including, without limitation, all amounts payable to professional consultants, legal advisors, financial advisors, contractors, sub-contractors, suppliers and interest on notes, loans and bonds used to finance capital costs.

Categorical Industrial User shall mean an industrial user subject to Categorical Standards.

Categorical Standards are national pretreatment standards containing pollutant discharge limits promulgated by the USEPA in accordance with sections 307(b) and (c) of the Act that apply to a specific category of users and which appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Collection System shall mean the separate sewer system in each municipality (whether owned by DMA or a Bulk User) which discharge wastewater to the Danville WWTP, consisting of interceptors, laterals, pumping stations and other sewer facilities used in the collection and/or transmission of wastewater to the Danville WWTP.

Contractor shall mean any individual, partnership, or corporation performing sanitary sewer or water main construction work for the Developer.

Certificate of Compliance shall mean and refer to a written certificate issued to a Property Owner by the Borough or Bulk User or its designee certifying that a Building Sewer Lateral is properly equipped, structurally sound and complies with all standards established by DMA, as provided in Article 5.4 of these Rules and Regulations.

Chain of Custody shall mean a record of sample collection indicating the place and time of collection and the person collecting the sample. It shall also include a record of each person involved in possession of the sample for the purpose of analysis.

Chapter 94 Report shall mean the Wasteload Management Report required by PADEP according to the provisions of Title 25, § 94.12

Clean Streams Law shall mean the Act of June 22, 1937, P.L. 1937, as amended and re-enacted by the Act of October 10, 1980, P.L. 894, 35 P.S. §§691.1 to 691.702.

Clean Water Act also called ACT or the ACT, shall mean the Clean Water Act, as amended, 33 U.S.C. §§1251 to 1387.

Color shall mean color of light transmitted through a sample after removal of all suspended mater, including pseudo, colloidal particles, and measured in platinum-cobalt units.

Combined Waste Formula shall mean a procedure for calculating discharge concentration of constituents of industrial waste as defined in 40 CFR §403.6(e).

Compliance shall mean adherence to conditions or requirements of applicable Ordinances, these Rules & Regulations, any written directions issued by DMA in any Industrial Waste Permit or any other permit or written instructions issued under the provisions of these Rules & Regulations or an applicable Ordinance.

Composite Samples shall mean a combination of individual samples (at least eight for a 24-hour period) of at least 100 milliliters each obtained at spaced time intervals. The composite sample must be flow-proportional.

Connection Point(s) shall mean the point at which the Collection System owned by DMA and the Collection or Conveyance System owned by a Bulk User is connected, unless otherwise indicated in the text.

Control Authority shall refer to the Approval Authority, defined above, or the superintendent if DMA has an approved pretreatment program.

Cooling Water shall mean water from any use such as air conditioning, cooling or refrigeration, or to which the only pollutant added is heat.

Credit shall mean the unit of compliance that corresponds with a pound of TP or TN as recognized by PADEP.

Danville Municipal Authority (DMA) shall mean the duly appointed members of the Authority Board, professional consultants authorized by DMA to represent their interests and staff of the Borough of Danville who are involved with operation of the WWTP under AGREEMENT with the DMA.

Danville WWTP or WWTP shall mean the municipal wastewater treatment facility owned by DMA and operated by the Borough of Danville, located at 200 Northumberland Street (Rt. 11) Danville, PA.

Developer shall mean any landowners, agent of such landowner, or tenant with the permission of such landowner, who makes or causes to make a subdivision of land or a land development.

Discharge shall mean the conveyance of any water or wastewater into the sewer system.

Domestic Wastes or Wastewater Shall mean the normal water carried household and toilet wastes from residences, commercial establishments, institutions and other users of the Collection System which comply with the characteristics defined in *Article 3* of these Rules & Regulations and are not otherwise classifiable as Non-Domestic Wastewater. The contents of septic tanks or cesspools, rain, snow, or stormwater; groundwater, or other collected water from roofs, drains and basements are not domestic wastewater or sewage.

Debt Service and Capital Improvements shall mean those costs for (1) periodic payment of principal and interest on bonds, notes, and other similar term obligations of DMA ("Debt

Service”); and (2) costs (including, without limitation, associated legal, engineering, administrative, permitting, financing, consulting, and other fees and costs) of acquisition of rights or interests in real property, equipment and other facilities incidental to any improvement, alteration, extension, or addition to the physical plant which are properly chargeable to capital costs under sound accounting or engineering practice (“Capital Improvements”), and as distinguished from expenses and costs defined as “Operating Expenses” in the DMA Rules and Regulations.

Defective Sewer Lateral shall mean and refer to any Building Sewer Lateral that displays leaks or defects upon the completion of Video Inspection or that is deemed by DMA, in its discretion, to be defective upon completion of Air Testing or any other testing method required by the Authority.

Developer's Engineer shall mean engineer or architect and shall be the individual, partnership, or corporation selected by the Developer and approved by DMA to accomplish utility design in any development in the Township.

Dye Testing shall mean a plumbing test whereby a nontoxic, non-staining dye is introduced into the storm/surface/groundwater collection system of a real property to identify connections to the sanitary sewer.

Engineer shall mean the consulting engineer that represents the DMA and/or the Bulk User into whose sewer system the connection is being made. The term may also include a construction inspector employed by DMA or the Bulk User.

EPA shall mean the United States 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.

Equal shall mean equal as approved by the Engineer.

Equivalent Dwelling Unit (EDU): Shall mean a unit of measure for the engineering design flow of domestic wastewater from an improved property or property to be improved in the future. Each dwelling unit constitutes one EDU from which the flow of domestic wastewater shall be assumed to be 218 gpd. This value is based on 90 gallons per capita per day times the average number of persons per household, which is 2.30 in Montour County (reference 2010 U.S. Census). The flow from any non-residential uses shall be converted to EDUs by dividing the estimated daily flow by 218 gpd.

Evidence of Compliance Certificate shall mean a certificate from the Bulk User or DMA confirming that it has on file a written report or statement from an inspector certifying there is not located on a property any illegal connections into the sanitary sewer system.

Grab Sample shall mean a sample which it taken from a waste stream on a one-time basis with no regard to the flow of the waste stream.

GPD or gpd shall mean gallons per day.

Hazardous Substance shall mean any substance designated under 40 CFR Part 116 pursuant to Section 311 of the Clean Water Act (40 CFR 122.2).

Holding Tank Waste shall mean any waste from holding tank vessels including but not limited to chemical toilets, campers, trailers, septic tanks and vacuum-pump tank trucks.

Illegal Connection shall mean any connection to the sanitary sewer system that allows storm/surface/groundwater to be discharged into the sanitary sewer system from sources including, but not limited to, floor drainage, sump pumps, downspouts, roof drainage and areaway drainage.

Industrial User shall mean any person, partnership, association, authority, syndicate, firm, corporation, developer, contractor, government, or other entity that operates any facility that discharges Industrial Wastewater and all establishment that discharge Non-domestic Wastewater that require an Industrial Waste Permit by these Rules & Regulations.

Industrial Pretreatment Program shall mean the Rules & Regulations governing the discharge of industrial waste (including non-domestic wastewater that requires an Industrial Waste Permit) to the sewer system as described in *Article 4* of these Rules & Regulations.

Industrial Waste or Industrial Wastewater shall mean any waste or form of energy rejected, escaping or discharged in the course of any industrial, manufacturing, trade or business process or in the course of development, recovery or processing of natural resources including, but not limited to those industries identified in the Standard Industrial Classification Manual, Office of Management and Budget, 1987, as amended and supplemented, under the category "Division D-Manufacturing" and other classes of significant waste producers. When Domestic Wastes are mixed with Industrial Wastewater prior to Discharge, the combined wastes shall be deemed to be Industrial Waste.

I/I shall mean Infiltration and/or Inflow.

Infiltration shall mean water entering a collection system from a variety of entry points including service connections and from the ground through such means as defective pipes, pipe joints, connections or manhole walls.

Inflow shall mean water discharged from sources such as cellar and foundation drains; cooling water discharges; drains from springs or swampy areas; roof drains; direct connection of stormwater runoff through piped connections; submerged manholes etc.

Instantaneous Maximum shall mean the highest allowable discharge of a substance, as measured by a grab sample, or the highest allowable flow allowed at any one time.

Interference shall mean a discharge which, alone or in conjunction with other discharges:

- 1) Inhibits or disrupts the process or operations of the WWTP or the Sewer system, or sludge processes;

- 2) Is a cause of violation of any requirement of DMA's or the Borough's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use of disposal in compliance with all applicable rules, regulations, laws and standards.

Inspection shall include physical inspection, video inspection, dye testing, smoke testing, pressure testing and any other reasonable and appropriate method acceptable to DMA to determine if any prohibited waste is entering the sanitary sewer system.

Inspector shall mean the duly authorized representative of the Bulk User or DMA.

Lateral, Building Sewer Lateral or Sewer Lateral shall mean and refer to that part of a drainage system which extends from the end of the Building Drain System to a Public Sewer. The Building Sewer Lateral shall terminate at the wye or other connection to the public sewer and shall include that portion which may lie within any public street or right of way is not a Public Sewer.

Lbs/d shall mean pounds per day.

Lbs/yr shall mean pounds per year.

Local Limits shall mean numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged, or likely to be discharged, by an industrial user, which may be developed by DMA at DMA's discretion or as directed by the Approval Authority.

May when used in these Rules & Regulations, is permissive.

Mgd or MGD means million gallons per day.

mg/l shall mean milligrams per liter, a measure of concentration of waterborne substances.

Monthly Average shall mean the arithmetic average of all daily determination of concentration made during a calendar month.

Monthly Total Mass Load (lbs) equals the sum of the actual daily discharge loads in pounds per day (lbs/d) divided by the number of samples per month multiplied by the number of days in the month. Daily discharge load (lbs/d) = Daily flow (MGD) on the day of sampling, multiplied by that day's sample concentration (mg/l) multiplied by 8.34. Monthly mass load shall not be calculated by multiplying the average daily flow by the average daily concentration.

National Categorical Pretreatment Standard shall mean any regulation containing pollutant discharge limits promulgated by EPA in accordance with § 307(b) and (c) of the Act (33 U.S.C. § 1317) which applies to a specific category of industrial users. National Pretreatment Standards are enumerated in 40 CFR, Chapter I, Subchapter N, Parts 405 through 471.

National Pollutant Discharge Elimination System (NPDES) Permit shall mean a permit issued pursuant to Section 402 of the Act (33 U.S.C. § 1342).

New Source shall mean any building, structure, facility or installation for which there is or may be a discharge of pollutants, the construction of which commences after publication of categorical standards which will be applicable to such source. Determination of the applicability of new source standards shall be made as provided in the Act and 40 CFR § 403.3

Non-Domestic Wastewater shall mean any wastewater originating from sources other than normal household and toilet fixtures from residences, commercial establishments and institutions.

NPDES Permit shall mean the national Pollutant Discharge Elimination System Permit issued to DMA pursuant to Section 402 of the Act (33 U.S.C. § 1342)

Offset shall refer to the load in pounds (lbs) of TN or TP created by an action, activity or technology that is available to increase the allowable discharge load of TN and TP from the WWTP by reducing the discharge of TN or TP to the environment and transferring that load to the WWTP, as defined by PADEP. Offsets are not the same as credits as they cannot be directly bought, sold or transferred between owners, projects or properties.

Oil & Grease shall mean fats, oils, grease or waxes of animal or vegetable origin, defined as polar Hexane-extractable material by EPA. O&G analysis shall be performed in accordance with EPA approved Method 1664, Revision A or latest revision.

On-lot Disposal Systems (OLDS) shall mean any system of pipes, tanks or other facilities collecting and disposing of sewage in whole or in part into the soil and any waters of the Commonwealth of Pennsylvania that is located on or near the lot which it serves.

Operating Expense or O&M Cost shall mean the expenses reasonably incurred or to be incurred by the DMA or the Borough in connection with operation and maintenance of the Danville WWTP including, without limiting the generality of the foregoing: auditing, engineering and legal fees; Borough office and other administration costs; costs of operating, maintaining, repairing and insuring the Danville WWTP; and such other similar costs and expenses as shall in the opinion of the DMA constitute a cost of operation.

Operator shall mean any person having charge, care, control or management of a pretreatment facility for industrial wastes or of truck or trucks used in the removal, transport or disposal of sewage of industrial wastes.

O&M means Operation and Maintenance of the Danville WWTP.

Owner shall mean any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession or real property by a court.

PADEP shall mean the Pennsylvania Department of Environmental Protection.

Pass Through shall mean the discharge of pollutants to waters of the state either untreated or insufficiently treated so as to cause pollution or a violation of DMA's NPDES permit; or concentration of pollutants in the sludge so that the end use of the sludge results in pollution, harm to the environment or a violation of any state or federal sludge disposal regulation, guideline or standard.

Peak Instantaneous Flow (PIF) shall mean the highest recorded flowrate occurring during any 10 minute period or consistent with the flow metering equipment. PIF is generally expressed in terms of MGD or gpd.

Person shall mean any natural person, partnership, co-partnership, association, authority, syndicate, firm, corporation, developer, contractor, government, or other entity recognized by law as the subject of rights and duties.

PENNVEST shall mean the Pennsylvania Infrastructure Investment Authority.

pH shall mean the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions expressed in moles per liter of solution.

Pollutant shall mean any substance, including but not limited to dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste which, when discharged into water, results in pollution or increases pollution,

Pressure Testing shall mean a plumbing test in which the ends of the pipe are plugged and compressed air is introduced into the pipe. The rate at which pressure subsides is recorded and used to determine the acceptability of the pipe.

Pretreatment shall mean the reduction of the amount of pollutants, the alteration 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 sewer system. The reduction or alteration can be obtained by physical, chemical or biological processes, or by means of other process changes except as prohibited by 40 CFR § 403.6(d).

Pretreatment Coordinator shall mean an agent of DMA designated to administer the provisions of the industrial pretreatment program.

Pretreatment Requirements shall mean any substantive or procedural requirements, other than a Categorical Standard, imposed on an industrial user by § 303(b) and (c) of the Act, the state or the Industrial Pretreatment Program.

Pretreatment Standard shall mean a Categorical Standard

Process Wastewater shall mean any wastewater resulting from the direct contact of water with any raw material, intermediate product, finished product, by-product or waste during any

manufacturing process, or water other than cooling water which results from a manufacturing process.

Property Owner shall mean an Owner of property that is connected to a Public Sewer.

Prohibited Discharge or Prohibited Waste shall be as defined in *Article 2.2* of these Rules & Regulations.

Prohibitive Discharge Standard shall mean any regulation developed under Section 307(b) and (c) of the Act (33 U.S.C. § 1317) and as stated in 40 CFR § 403.5.

Public Sewer shall mean and refer to the sewers owned or maintained by the DMA or Bulk Users lying within the limits of the public streets, roads, easements, reserves, non-exclusive easements or other public rights of way serving or intended to serve two or more separate properties, persons, or parcels. That portion of the Building Sewer Lateral which may lie within any public street or right of way is not a Public Sewer.

Purchaser shall mean a person acquiring title to real property with or without consideration.

Purchase Real Property shall include any and all acquisitions of title to real property with or without consideration.

Qualified Analyst shall mean any laboratory that has been accredited under PADEP's Environmental Laboratory Accreditation Regulations, 25 PA Code, Chapter 252, the 2009 TNI Standard, or 40 CFR, Part 141.

Quarter shall mean the three (3) month period ending on March 31<sup>st</sup>, June 30<sup>th</sup>, September 30<sup>th</sup> or December 31<sup>st</sup>.

Rules & Regulations as used in this document shall refer to the latest edition of the Rules & Regulations of the Danville Municipal Authority.

Sale of Real Property shall include any and all transfers or changes in ownership of real property with or without consideration.

Sanitary Sewage shall mean Domestic Wastewater as defined above.

Sanitary Sewers shall mean all facilities, whether owned by DMA or any party to a service agreement with DMA, used or useable for collecting, transporting, pumping and disposing of wastewater, which facilities are connected to and served by the Danville WWTP. All sanitary sewers include infrastructure conveying domestic wastewater and approved industrial discharges and to which storm, surface or ground waters are not intentionally admitted.

Service Agreement or Agreement shall mean agreements between DMA and Bulk Users for which wastewater treatment services are being provided, including all amendments and supplements hereto. Bulk Users include, but may not be limited to, the following entities: the Danville State Hospital, Cooper Township, Geisinger Medical Center, Mahoning Township, Riverside Borough and Valley Township.

Service Area shall mean the geographical area for which sewer service is provided by a Bulk User or DMA.

Sewage shall mean Domestic Wastewater as defined above.

Sewage Treatment Plant shall mean the Danville WWTP.

Sewer shall mean a pipe or conduit for conveying wastewater.

Sewer Lateral, Lateral or Building Sewer Lateral shall mean and refer to that part of a drainage system which extends from the end of the Building Drain System to a Public Sewer. The Building Sewer Lateral shall terminate at the wye or other connection to the public sewer and shall include that portion which may lie within any public street or right of way is not a Public Sewer.

Sewer System as used herein shall refer to Sanitary Sewers as defined above.

Shall when used in these Rules & Regulations, is mandatory.

Slug or Slug Load shall mean any discharge of water, wastewater or industrial waste in which the concentration of any constituent or the rate of flow exceed, for any period of time longer than fifteen (15) minutes, five (5) times the average concentration or flow rate from that source during a normal working day.

Smoke Testing shall mean a plumbing test in which a non-toxic, artificially created smoke is pumped into waste and drain pipes under pressure to find leaks.

Spill shall mean any discharge of pollutants into the Sanitary Sewers resulting from the spilling, overflowing, rupture or leakage of any storage, process or transfer container, or the control or cleanup activities associated with such an occurrence.

Standard Industrial Classification (SIC) shall mean a classification pursuant to the Standard Industrial Classification Manual issued by the executive office of the President, Office of Management and Budget, 1972 or latest edition.

State shall mean the Commonwealth of Pennsylvania.

Stormwater shall mean any flow occurring during or following any form of natural precipitation and resulting therefrom.

Subdivision shall mean the division or redivision of a lot, tract, or parcel of land by any means into two or more lots, tracts, parcels, or other divisions of land.

Suspended Solids shall mean Total Suspended Solids.

Tapping Fee shall mean the amount that must be paid for each EDU of capacity and conveyance of DMA's sewer system used by a new connection.

Total Nitrogen (TN) shall be defined as the sum of Kjeldahl-Nitrogen, Nitrite-Nitrogen and Nitrate-Nitrogen. TN shall be determined by the standard laboratory procedure, performed by a

laboratory certified by PADEP to complete said test, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

Total Phosphorus (TP) shall be defined as the sum of organic and inorganic phosphorus. TP shall be determined by the standard laboratory procedure, performed by a laboratory certified by PADEP to complete said test, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

Total Solids shall be defined as the sum of dissolved and total suspended solid constituents of water or wastewater.

Total Suspended Solids (TSS) shall be defined as the quantity of solids retained on a filter of a specified pore size, measured after being dried at 105 degrees Centigrade. TSS shall be determined by the standard laboratory procedure, performed by a laboratory certified by PADEP to complete said test, in accordance with the latest edition of *Standard Methods for the Examination of Water and Wastewater*.

Total Toxic Organics (TTO) shall mean the sum of all quantifiable values of various organic pollutants as determined by DMA or, for certain categorical industrial users, as defined in the applicable Categorical Standard.

Toxic Organic Management Plan shall mean a plan submitted in lieu of testing for TTOs in which an industrial user specifies methods of control to assure that TTOs do not enter the sewer system.

Toxic Pollutants shall mean any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the EPA under provision of Section 307(a) of the Act, or other acts, or is present in sufficient quantity, either singly or in combination with other wastewater, so as to present risk or causing interference or pass-through, causing harm to humans, animals or plants or creating a hazard to persons or property, either in the sewer system, the WWTP, of the environment into which it is released.

Unauthorized Discharge shall mean the discharge of an unauthorized waste or a discharge which otherwise is not in compliance with the requirements of the industrial pretreatment program or other rules or regulations of DMA.

Unauthorized Waste shall be any substance which is discharged into the sewer system which is not in compliance with the provisions of these Rules and Regulations, or which is discharged by a person in violation of any of the provisions of a Permit or authorization issued by the DMA.

User shall mean any person who contributes, causes or permits the discharge of wastewater into the sewer system regardless of the location of the user or the point of connection.

Wastewater shall mean industrial wastes or domestic wastes from dwellings, commercial buildings, industrial facilities and institution, together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which enters the sewer system.

Waters of the State shall mean all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained with, flow through or border upon the Commonwealth of Pennsylvania or any portion thereof.

Variable Operating Expense shall mean the expenses reasonably incurred or to be incurred that may vary with the flow and/or load to the Danville WWTP including, without limiting the generality of the foregoing: labor, energy, chemicals, maintenance materials, laboratory costs and biosolids disposal cost; and such other similar costs and expenses as shall in the opinion of the DMA vary based on the flow and load treated.

Video Inspection shall mean and refer to a process whereby a camera is placed into, run through, photographs and electronically records the inside of a Building Drain, Building Sewer Lateral or Public Sewer for the purpose of detecting leaks or other defects.

WWTP or Danville WWTP shall mean the Danville Wastewater Treatment Plant.

**ARTICLE 2 – GENERAL PROVISIONS****2.1 DMA Responsibilities and Service area**

The Danville Municipal Authority (DMA) was established in accordance with the Municipality Authorities Act of 1945 (53 Pa.C.S.A. § 5601 *et seq.*) as amended and supplemented. DMA owns all public sewers within the limits of the Borough of Danville (the Borough) and the Danville WWTP. DMA has authority to oversee operations of the Sewer System and WWTP, undertake Capital Improvements to the sewers and WWTP and set rates.

The Borough is responsible for operation, maintenance and administration of the sewer system and WWTP under a Management Agreement with DMA. The Borough is authorized to act as the Authority's Agent and is responsible for day-to-day operation of the system.

The area served by DMA's WWTP includes all sewers within the Borough of Danville, as well as sewers serving Bulk Users of the WWTP. DMA shall own and operate, under Agreement with the Borough, all sewers within the Borough. Bulk Users shall be responsible for ownership, operation and maintenance of sewer systems within their jurisdictions or upon land owned by them. All Bulk Users shall manage their respective collection systems in accordance with the DMA's Rules & Regulations as well as other, more restrictive, requirements they may elect to impose or which may be required by agreement. The entire service area currently consists of all sewer portions of Cooper Township, Danville Borough, Danville State Hospital, Geisinger Medical Center, Mahoning Township, Valley Township, and Riverside Borough. DMA may, from time to time, redefine its service area by adding or deleting individual Bulk Users without affecting the validity of these Rules & Regulations.

**2.2 Purpose of Rules & Regulations**

Wastewater to be received, conveyed and treated by DMA will be discharged into Waters of the State. In order to effectively manage such wastewater systems, it is essential that DMA set forth these Rules & Regulations governing all manner of usage of its facilities for the following purposes:

- (1) That all discharges comply with the provisions of the Clean Water Act of 1977, as amended; the Clean Streams Law of Pennsylvania, as amended; and any other legislation which has been or may be enacted to govern such matters, and the corresponding rules, regulations and permits which have been or may be duly adopted or issued pursuant to the above by the United States Environmental Protection Agency (EPA), the Pennsylvania Department of Environmental Protection (PADEP) or any other agency duly empowered to exercise such control.

- (2) That DMA's wastewater collection, conveyance and treatment facilities achieve their design performance and are efficiently and economically maintained.
- (3) That pollutants are prevented from introduction into the system which may cause interference or pass-through at the WWTP and result in reduced performance, violation of permit conditions or degradation of receiving water quality.
- (4) That pollutants are prevented from introduction into the system which may cause contamination of biosolids (i.e. sludge) that reduces available disposal options or limits the opportunity to recycle or dispose of same.
- (5) That the structural integrity of all collection, conveyance and treatment facilities is maintained.
- (6) That the health, safety and welfare of personnel and the general public are protected.
- (7) That the environment is not endangered.
- (8) That the cost associated with administering, operating and maintaining the wastewater system is equitably distributed in accordance with the benefit enjoyed and responsibility incurred.

In order that the aforementioned purposes can be achieved, it is deemed necessary and proper to adopt Rules & Regulations governing discharges into DMA's system.

### 2.3 Applicability of Rules & Regulations

The DMA Rules & Regulations are applicable to all persons, municipalities, authorities, commercial establishments, non-profit establishments and Bulk Users both within and outside of Danville Borough, who by contract, permit or agreement use or discharge wastewater into the DMA collection system and/or WWTP. DMA's Rules & Regulations shall be applicable to all types of wastewater and all classes of users whether by primary connection into a system administered by DMA or by secondary connection following collection and/or conveyance by any intermediate tributary user's system and/or by discharge of trucked or hauled wastes to a designated point.

### 2.4 Declaration of Policies and General Requirements

It is DMA's policy to establish hereby, by Resolution of its Board of Directors, Rules & Regulations governing the proper disposition of all manner of wastewaters introduced into DMA's Sewer System. This Resolution is specifically directed toward acceptance of wastewaters, the connection to and continued usage of DMA's facilities comprising the system, establishment of procedures and enforcement provisions applicable to system usage, and the setting of fees for equitably distributing the costs to administer

the system. It is, therefore, established that the following general policies and requirements shall prevail throughout:

2.4.1 Uniformity Standards: It shall be DMA's policy to be consistent with any regulations governing such matters as may be duly established by any regulatory agency duly authorized and empowered to exercise such control. Agency regulations shall be deemed to constitute minimum standards of performance and DMA's intent to comply in satisfaction thereof may assume the form of either adherence to DMA's regulation, or the promulgation, alteration, or amendment of DMA's Rules & Regulations in affording administration of either an equivalent or more stringent standard.

2.4.2 Equivalent Municipal, Municipal Authority and Bulk User Requirements: All entities discharging into DMA's system in accordance with Service Agreements with DMA, hereinafter called Bulk Users, shall enact suitable regulations, resolutions or ordinances which, at a minimum, offer equivalency with DMA's rules & regulations. Governmental entities shall adopt an ordinance or resolution which imposes civil liability for violation of DMA's Rules & Regulations. The maximum civil penalties shall equal the sum of at least one thousand dollars (\$1,000) per day or up to the maximum penalty or fine allowed by law. Such enactment is not intended to supersede codes or ordinances dealing with local preferences, but to assure the capability to cooperatively and comprehensively support DMA's administrative responsibilities. When DMA finds it necessary to seek civil penalties against a user, DMA shall notify the appropriate governmental entity, in writing, requesting that the governmental entity institute proceedings or delegate its authority to do so to DMA if such authority has not been delegated to DMA by appropriate ordinance or resolution of the Bulk User. If such proceedings are not instituted by the governmental entity or DMA is not notified of their intent to do so with fifteen (15) days, then such delegation shall be deemed to be automatically granted to DMA, and DMA may proceed to institute suit for civil penalties in accordance with these Rules & Regulations and applicable laws of the Commonwealth of Pennsylvania.

## 2.5 BULK USER ROLES AND RESPONSIBILITIES

This Article provides a general overview of the roles and responsibilities of all Bulk Users. It is intended to be a summary of roles and responsibilities and does not preclude responsibilities described in other Articles of these Rules & Regulations or responsibilities incurred pursuant to a service agreement.

The responsibility of each Bulk User to assist DMA in meeting its regulatory and financial obligations shall include, but not be limited to, the following:

- 2.5.1 Duty to Provide Information: Bulk Users shall furnish, within a reasonable time, the following information, records, reports, data etc.:
- (1) Submit Flow Metering data and summaries as defined in *Article 3.5*.
  - (2) Identify and submit documentation to obtain TN Offsets as *Article 3.7.2*.
  - (3) Identify and report Nutrient Offsets as required by *Article 3.7.3*.
  - (4) Coordinate review of new Non-domestic Dischargers to the Sanitary Sewer System including receipt, review and submittal of Pre-application Materials as described in *Article 4.2.1*.
  - (5) Coordinate review of new Industrial Waste Discharge Permit applications including receipt, review and submittal of Application Materials as described in *Article 4.2.2*.
  - (6) Coordinate review of new BMPs including receipt, review and submittal of BMP materials as described in *Article 4.5*.
  - (7) Coordinate review of new Industrial User Baseline Monitoring Reports including receipt, review and submittal of BMP materials as described in *Article 4.6.3*.
  - (8) Coordinate review of Industrial User Categorical Compliance Reports including receipt, review and submittal of Categorical Compliance Reports Materials as described in *Article 4.6.4*.
  - (9) Coordinate review of Industrial User Periodic Compliance Reports including receipt, review and submittal of Periodic Compliance materials as described in *Article 4.6.5*.
  - (10) Submit Industrial User Inspection Reports as described in *Article 4.7.1*.
  - (11) Provide Hazardous Waste Notification information as described in *Article 4.8*.
  - (12) Coordinate review of Industrial User Change in Operation Reports including receipt, review and submittal of Change in Operation Report materials as described in *Article 4.9*.
  - (13) Submit copies of Collection System and I/I studies, reports, inspections etc. in accordance with *Article 5.2* upon request.
  - (14) Submit PADEP Sewage Facilities Planning Modules for review and approval in accordance with *Article 5.2*.
  - (15) Submit New Building Sewer Lateral Testing Compliance Certificates as described in *Article 5.4.1*.

- (16) Submit Existing Building Sewer Lateral Testing Compliance Certificates as described in *Article 5.4.2*.
  - (17) Submit Common Interest Inspection Reports as described in *Article 5.5*.
  - (18) (19) Provide all information required under the provisions of Title 25 Pa. Code Chapter 94 to allow DMA to complete and submit its Chapter 94 Report by March 31<sup>st</sup> of each year as required by law.
  - (20) Maintain copies of all records for a minimum of three (3) years.
- 2.5.2 Duty to Provide Proper Operation, Maintenance and Administration
- (1) Adopt and enforce DMA's Rules & Regulations in accordance with *Article 2.4.2*.
  - (2) Complete Industrial User Inspections as described in *Article 4.7.1*
  - (3) Keep Collection System in proper repair in accordance with *Article 5.2*.
  - (4) Complete New Building Sewer Lateral Inspections in accordance with *Article 5.4.1*.
  - (5) Complete Existing Building Sewer Lateral Inspections in accordance with *Article 5.4.2*.
  - (6) Coordinate inspections of Common Interest Developments in accordance with *Article 5.5*
  - (7) Coordinate repairs and final inspection to New Buildings, Existing Buildings and Common Interest Developments resulting from above listed inspections.
- 2.5.3 Duty to Mitigate: All Bulk Users shall take all reasonable steps to minimize or prevent discharges to the Sanitary Sewer System including but not limited to the following:
- (1) Take all reasonable precautions to ensure that Prohibited Discharges, as defined in *Article 3.2*, are not introduced to the Sanitary Sewer System.
  - (2) Take whatever steps are necessary to halt service to Unauthorized Discharges as defined in *Article 3.3*.
  - (3) Take all reasonable precautions to maintain Collection System in good condition to minimize I/I in accordance with *Article 5*.
- 2.5.4 Duty to Notify: All Bulk Users shall take steps to identify and notify DMA of:
- (1) All slug loads, spills, accidental discharges and discharges of hazardous materials as soon as practical after becoming aware of same.

- 2.5.5 Duty to Collect and Remit Fees to DMA
- (1) Identify individual dischargers of High Strength Waste, collect fees and submit same to DMA as defined in *Article 3.4*.
  - (2) Submit High Flow Discharge Fee to DMA as defined in *Article 3.6*.
  - (3) Collect and remit Industrial Waste Discharge Permit application fee and deposit as described in *Article 4.2.2*.
  - (4) Collect and remit all sewer rents, fees and charges and remit same to DMA as described in *Article 5.2*.
  - (5) Comply with terms of individual Service Agreements.
- 2.5.6 Right of Entry: All Bulk Users shall allow authorized representatives of DMA, upon the presentation of credentials and other documents as may be required by law, to:
- (1) Inspect Industrial User Facilities in accordance with *Article 4.7.2*.
  - (2) Inspect the Bulk User Collection Systems in accordance with *Article 5.2*. The Bulk User shall provide access to authorized DMA personnel at all reasonable times.
- 2.5.7 Duty to Enforce: Each Township and Borough connected to the DMA collection system and/or WWTP, even if said collection system is owned and/or operated by an Authority, shall adopt Ordinances to, at a minimum:
- (1) Impose civil penalties upon any user who is found to have failed to comply with any provisions of the industrial pretreatment program or the rules, regulations and permits in accordance with *Article 4.13*.
  - (2) Require inspections of Building Sewer Laterals in Accordance with *Article 5.4*.

**ARTICLE 3 - WASTEWATER QUALITY AND QUANTITY****3.1 ALLOWABLE DISCHARGES**

3.1.1 Domestic and Non-domestic Wastewater: The Danville WWTP is designed to treat normal water-carried household and toilet waste from residences, commercial establishments, institutions, industries and other users. In some cases, the WWTP can treat wastewater from Non-Domestic Sources or wastewaters containing high concentrations of organic material. Discharging of Non-Domestic Wastewater or High Strength Wastewater to the Public Sewer may require issuance of special permits or additional treatment fees as described in this Article of DMA's Rules & Regulations.

**3.1.2 Residential and Commercial Users**

- (1) Existing Residential and Commercial Users of the Public Sewer System as of the date that these Rules & Regulations are authorized by the DMA shall be deemed to possess a Wastewater Connection Permit authorizing such connection and discharge to the Public Sewer. However, this shall not preclude either DMA or a Bulk User from ensuring compliance with these Rules & Regulations or issuing a new or amended permit as it may deem necessary.
- (2) All new Residential and Commercial Users of the system which desire to connect to the Public Sewer after the date that these Rules & Regulations are authorized by the DMA shall be required to obtain a connection permit in compliance with the Rules & Regulations or Ordinances of the jurisdictional municipality.
- (3) DMA will review PADEP Sewage Facilities Planning Modules if required for new connections. DMA's approval of Planning Modules and the commitment of capacity for proposed connections shall be for a period of two (2) years (730 calendar days) unless the developer enters into a reservation of capacity agreement and pays the charges established for reservation of capacity as set forth in the DMA Wastewater Fees and Charges. The two-year period shall commence on the date of DMA's approval. Approval of connections not made within the two-year period shall become null and void and those connections shall not be made until the Planning Module applicant obtains a new written approval from DMA to make the connection(s). Modules shall reflect that DMA's commitment for accepting the proposed wastewater discharge is limited as provided above.

### 3.1.3 Non-domestic and Industrial Users

- (1) All Existing Non-domestic and Industrial Users which possess a permit to discharge Non-domestic waste to the Public Sewer as of the date that these Rules & Regulations are authorized by the DMA shall continue to comply with the terms of said permits. However, this shall not preclude either DMA or a Bulk User from imposing additional regulation of wastewater quantity or quality if such requirements are deemed necessary to ensure compliance with these Rules & Regulations.
- (2) All New Non-domestic and Industrial Users which desire to connect to the Public Sewer after the date that these Rules & Regulations are authorized by the DMA shall be required to submit an application to discharge non-domestic waste as required by these Rules & Regulations.

3.1.4 Bulk User Discharge Limits: All Bulk Users shall be permitted to discharge wastewater in the quantities and of the characteristics that are defined in their individual Service Agreements with DMA providing the Bulk User and all dischargers to their individual sewer systems comply with the requirements of these Rules & Regulations.

## 3.2 PROHIBITED DISCHARGES

3.2.1 Stormwater: Discharge, including unintentional discharge, of stormwaters is expressly prohibited. No person shall discharge or cause or permit to be discharged any stormwater, surface water, groundwater, roof water, sub-surface drainage or building foundation drainage into any sanitary sewer.

3.2.2 Prohibited Discharges: No user shall discharge or cause to be discharged, directly or indirectly, any pollutant or wastewater which will interfere with the operation or performance of the sewer system. These general prohibitions apply to all users, whether or not the users are subject to categorical standards or any other pretreatment requirements. No user shall discharge any of the following substances to the sewer system:

- (1) Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the sewer system or to the operation of the sewer system. At no time shall two (2) successive readings on an explosion hazard meter, at the point of discharge into the system (or 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) or the meter. At no time shall the closed-cup flashpoint or the wastewater be less than one hundred forty degrees Fahrenheit (140°F). Prohibited materials include but are not limited to the

following substances in concentrations which cause exceedance of the above standard: gasoline, kerosene, naphtha, benzene, ethers, alcohols, peroxides, chlorates, perchlorates, bromates and carbides.

- (2) Solids or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the sewer system, such as but not limited to: grease, garbage with particles greater than one-half inch (1/2") in any dimension, animal 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 or fuel or lubricating oil, mud or glass grinding or polishing wastes.
- (3) Any wastewater having a pH less than six point zero (6.0) or higher than ten point zero (10.0), or wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the sewer system.
- (4) Any wastewater containing toxic pollutants in sufficient quantity, either singly or by interaction with other constituents of the wastewater, 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 sewage treatment plant or to exceed the limitation set forth in an applicable categorical standard.
- (5) Any noxious or malodorous liquids, gases or solids which either singly or by interaction with other substances normally present in the sewer system are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewer system for maintenance and repair.
- (6) Any substance which results in the formation or release of toxic gasses, vapors or fumes in a quantity that may cause acute worker health and safety problems.
- (7) Any petroleum oil, non-biodegradable cutting oil or products of mineral oil origin (also called non-polar Hexane-extractable material) in amounts that will cause interference or pass through, but in no case exceeding twenty milligrams per liter (20 mg/l).
- (8) Fats, oils, grease or waxes defined as polar Hexane-extractable material in amounts which exceed one hundred milligrams per liter (100 mg/l).
- (9) Any substance which may cause the sewage treatment plant's effluent or any other product of the sewage treatment plant, such as residues, sludges

or scum, to be unsuitable for reclamation and reuse or to interfere with the reclamation process. In no case shall a substance discharged to the sewer system cause the sewage treatment plant to be in noncompliance with sludge use or disposal criteria, guidelines or regulations affecting sludge use or disposal pursuant to the Solid Waste Disposal Act or state criteria applicable to the sludge management method being used.

- (10) Any substance which will cause the Borough to violate its NPDES and/or state collection system permit or applicable receiving water quality standards, including, but not limited to substances that result in foaming, color, turbidity, or sheen in the WWTP effluent.
- (11) Any wastewater with observable color which will pass through the treatment plant, such as but not limited to dye wastewater and vegetable tanning solutions.
- (12) Any wastewater having a temperature which will inhibit biological activity in the sewage treatment plant resulting in interference, but in no case wastewater with a temperature at the discharge into the sewer system which exceeds forty degrees Celsius (40°C) [one hundred forty degrees Fahrenheit (140°F)].
- (13) Any pollutants, including oxygen-demanding pollutants (BOD etc.), released at a flow rate and/or pollutant concentration which will cause interference to the sewage treatment plant or interference with the operation of the sewer system. In no case shall a slug load be discharged.
- (14) Any wastewater containing any radioactive wastes of isotopes of such half-life or concentration as may exceed limits established by the borough or applicable state or federal regulations.
- (15) Any trucked or hauled wastewater or pollutants except those discharged at point designated by the Borough.
- (16) Any wastewater which is incompatible with treatment process in use at the sewage treatment plant so as to cause interference or pass-through.
- (17) Any wastewater containing any compounds of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acid or other persistent herbicides, pesticides or rodenticides.

### 3.3 UNAUTHORIZED DISCHARGES

- 3.3.1 Discharge of Prohibited Substances: Discharge of any prohibited substance listed under *Article 3.2* shall be considered an Unauthorized Discharge. The

Bulk User, if the property is connected to a sewer system not owned and maintained by DMA, or DMA if property is within the boundaries of the Borough, shall take whatever steps are necessary to halt such discharge as allowed by law. Should the Bulk User fail to enforce these Rules & Regulations, DMA reserves the right to take necessary steps, as allowed by law, to halt the discharge. In such a case the Bulk User will be responsible for all costs incurred by DMA in its administrative and enforcement actions.

### 3.4 HIGH STRENGTH WASTE DISCHARGES

3.4.1 High Strength Wastes: DMA reserves the right to refuse permission to connect to the Sewer System, to compel discontinuance of use of the Sewer System, to compel pretreatment of waste by any User or to require any User to implement special sampling programs and impose additional treatment fees for any wastewater meeting any of the following criteria:

- (1) Having a 5-day Biochemical Oxygen demand in excess of two hundred and fifty milligrams per liter (250 mg/l) as a monthly average value.
- (2) Having a Suspended Solids concentration in excess of two hundred and fifty milligrams per liter (250 mg/l) as a monthly average value.
- (3) Having a Total Nitrogen concentration in excess of forty milligrams per liter (40 mg/l) as a monthly average.
- (4) Having a Total Phosphorus concentration in excess of seven milligrams per liter (7 mg/l) as a monthly average.

3.4.2 DMA and Bulk User Responsibilities for High Strength Discharges: It shall be the responsibility of the Bulk User, if the property is connected to a sewer system not owned and maintained by DMA, or DMA if property is within the boundaries of the Borough, to identify dischargers of high strength waste; take whatever steps are necessary to halt such discharge; compel pretreatment; require special sampling programs; and/or impose additional treatment fees as directed by DMA. Should the Bulk User fail to enforce these Rules & Regulations, DMA reserves the right to take necessary steps, as allowed by law, to halt the discharge; to compel pretreatment of waste by any User; to require any User to implement special sampling programs; or to impose additional treatment fees. The Bulk User will be responsible for all costs incurred by DMA in implementing corrective measures in place of the Bulk User's action.

3.4.3 Sampling of High Strength Wastes: Additional Treatment Fees, if applicable, shall be determined each quarter on the basis of available wastewater sample results collected during the calendar quarter. Such sample results shall include analysis of wastewater samples collected by the Bulk User, DMA or their

designee as appropriate. In the event that more than one sample is analyzed in any given quarter, the Treatment Fee shall be calculated based on the average of all data points.

- 3.4.4 Additional Treatment Fees to Individual Users: On the basis of wastewater sample analysis available to DMA, if the wastewater is found to be High Strength Wastewater as defined in *Article 3.4.I* herein, the User shall pay Additional Treatment Fees as defined in most recent version of DMA's *Fees and Charges*.
- 3.4.5 Additional Treatment Fees to Bulk Users: On the basis of wastewater sample analysis available to DMA, if the wastewater from a Bulk User is found to contain High Strength Wastewater as defined in *Article 3.4.I* herein at any individual connection point, the Bulk User shall pay Additional Treatment Fees as defined in most recent version of DMA's *Fees and Charges* for that connection point. The Bulk User shall not be allowed to average wastewater concentrations from multiple connection points to avoid payment of the High Strength Treatment Fee at a specific connection point. In the event that an Individual User connected to the Bulk User's Sewer System has been assessed and has paid a High Strength Treatment Fee for the same parameter over the time period in question and is contributory to the same connection point, such fee shall be subtracted from the High Strength Fee assessed to the Bulk User for that parameter at that connection point for that time period.
- 3.4.6 Right to Refuse Treatment for High Strength Wastes: DMA reserves the right to deny treatment to any or all users discharging a High Strength Wastewater, or to require pretreatment to levels acceptable to DMA before accepting such wastewater. DMA further reserves the right to assess costs for capital improvements to the WWTP which are necessitated to accommodate High Strength loads that approach or exceed the design capacity of the WWTP against the user and/or the Bulk User, as appropriate.
- 3.5 FLOW METERING
- 3.5.1 Flow Meter Requirements: DMA may require effluent flow meters to be installed at the connection point to all Bulk Users and on the discharge of all individual connections that, in DMA's opinion, are likely to discharge more than 25,000 gpd.
- 3.5.2 Meter Calibration: All meters measuring wastewater flow discharged at any point in the Collection Systems, either directly or indirectly, shall be calibrated at least annually. Calibration reports for meters owned by Bulk Users shall be submitted to DMA or its designee during the first Quarter of each year in

compliance with PADEP's Chapter 94 Wasteload Management reporting requirements.

3.5.3 Data Submittal: In the event that a flow meter is owned and maintained by a Bulk User or private entity, said owner shall submit raw flow data and a summary sheet indicating, at a minimum, average daily flow and peak daily flow for each month in a format acceptable to DMA.

3.5.4 Missing Data: In the case of missing flow records due to faulty meter registration or otherwise missing data, DMA will estimate the volume of wastewater discharged. Such estimates shall be based on an evaluation of past flow records as applied to present conditions. A copy of such estimates, together with calculations and past flow records upon which same are based, shall be made available to each affected party.

3.5.5 EDUs to Estimate Flow: In the absence of meter readings, flow quantities shall be determined on the average number of equivalent dwelling units (EDUs) and a discharge rate of 218 gallons per EDU per day (unless a more accurate calculation is available). The number of EDUs connected for any quarter shall be the average of the EDUs on the first and last days of the quarter. The number of EDUs shall be supplied to DMA by the affected Bulk User as set forth in the Bulk User Service Agreement.

### 3.6 HIGH FLOW DISCHARGES

3.6.1 Bulk User Flow Limitations: Annual average and peak instantaneous flow rates from Bulk Users shall be limited by the terms of their Service Agreements with DMA.

#### 3.6.2 Annual Average Daily Flow

(1) The annual average daily flow contributed by a Bulk User shall be calculated at the end of each calendar year by dividing the total flow contributed for the year by 365 days/year. If the annual average daily flow is greater than allowed by the Service Agreement, the Bulk User shall pay DMA a High Flow Surcharge to DMA as defined in most recent version of DMA's *Fees and Charges*.

(2) If the Bulk User exceeds its allocated Annual Average Daily Flow limit for two (2) consecutive years or for any three years during the last five year period, the Bulk User shall be subject to the requirements set forth in its Service Agreement regarding excessive flows.

### 3.6.3 Peak Instantaneous Flow (PIF)

- (1) The PIF from any Bulk User at any given time shall be limited by the peaking factor indicated in the Service Agreement. The peaking factor is equal to the allowable Peak Instantaneous Flow defined in the Agreement (i.e. 625,000 gpd) divided by the Average Daily Flow defined in the Agreement (i.e. 250,000 gpd). For the example given, the Peaking Factor is  $625,000/250,000 = 2.5$ .
- (2) The allowable PIF shall be calculated at the end of each calendar quarter by multiplying the average daily flow for each connection point by the Peaking Factor for the Bulk User. Flow records for each connection point will be analyzed to determine if the allowable PIF was exceeded at any time at any connection.
- (3) If the Bulk User exceeds its allocated PIF limit at any connection point, it shall pay the Peak Flow Surcharge to DMA as defined in most recent version of DMA's *Fees and Charges*.
- (4) If the Bulk User exceeds its allocated Peak Instantaneous Flow limit in two (2) consecutive years or for any three years during the last five year period, the Bulk User shall implement corrective action stated in its Service Agreement. Provided that, if no corrective action is specified in the Service Agreement, the corrective action shall consist of conducting an Inflow/Infiltration (I/I) study of its Collection System contributory to the connection point in question and implementing the corrective action that is identified by the I/I study. The protocol for the I/I study shall be provided to DMA for review and comment prior to its implementation. I/I studies shall be completed in a timely manner as agreed by the Bulk User and DMA.
- (5) The PIF limit shall be applied to each connection point of the Bulk User with the DMA sewer system. Bulk users shall be required to pay the Peak Flow Surcharge and implement corrective action to the sewer system contributory to that connection point even if the average PIF of all connection points used by the Bulk User is less than the allowable PIF for the Bulk User.

## 3.7 NUTRIENT MANAGEMENT

### 3.7.1 Background

- (1) Beginning October 1, 2011, the WWTP is limited in the amount of TN and TP that can be discharged from the WWTP. These limits, known as caps, are as follows:

- a) TN: 66,118 lbs/yr from October First (10/1) through September Thirtieth (9/30) of each year. This value is based on the design capacity of the WWTP (3.62 MGD) and a TN concentration of 6.0 mg/l. It is anticipated that Valley and Cooper Townships will increase the TN cap by 3,836 and 3,800 lbs/yr, respectively, when their Collection Systems are connected and the TN credits and offsets are transferred to DMA. The resulting cap will be 73,754, with a corresponding effluent TN concentration of 6.7 mg/l at 3.62 MGD.
  - b) TP: 8,816 lbs/yr from October First (10/1) through September Thirtieth (9/30) of each year. This value is based on the design capacity of the WWTP (3.62 MGD) and a TP concentration of 0.8 mg/l. It is anticipated that Valley Township will increase the cap by 511 lbs/yr when their Collection System is connected and the TP credits are transferred to DMA. The resulting cap will be 9,327, with a corresponding effluent TP concentration of 0.84 mg/l at 3.62 MGD.
- (2) Because the DMA WWTP average daily flow is currently less than 60% of the design capacity and projections for future growth in the area are low, DMA elected to realize a savings in the nutrient reduction upgrade costs by constructing a technology that is capable of reducing TN to between 8 and 10 mg/l. This means that the DMA WWTP is capable of reducing its TN discharge to between 88,157 and 110,196 lbs/yr at the design flow of 3.62 MGD. As a result, if the average daily flow to the WWTP reaches between 2.4 and 3.0 MGD, it may be necessary to purchase TN credits to comply with the cap load imposed by PADEP.
- (3) There are three primary ways that DMA's cap can be increased:
- a) When an entity that currently has an NPDES permit connects to the Sewer System, the cap allocation owned by that entity will be transferred to DMA (e.g., Valley Township).
  - b) When any Bulk User or DMA connects On-lot Disposal Systems (OLDS) to the sewer system, offsets for TN (but not TP) can be transferred to DMA if approved by DEP.
  - c) Through the purchase of Nutrient Credits from third parties.

### 3.7.2 Nutrient Credits

- (1) Upon connection to the DMA Sewer System, all Bulk Users agree to transfer ownership of all nutrient credits vested in them by PADEP to DMA.
- (2) In the event that it becomes necessary to purchase nutrient credits to comply with the nutrient cap contained in the NPDES permit, DMA shall be responsible to identify, negotiate, purchase and obtain PADEP approval for all required nutrient credits. The purchase of nutrient credits is a substitute for costly additional treatment and is therefore an Operating expense of the WWTP, payable by the Bulk Users according to the terms of their Service Agreements.
- (3) In the event that excess nutrient credits are created by the DMA and sold under PADEP's Nutrient Trading Program, DMA shall apply the net proceeds from such sale to the operating budget of the Danville WWTP for the purpose of lowering total Operating Expenses.
- (4) Bulk Users shall be free to implement land use or other BMPs to reduce nutrient discharges to the Chesapeake Bay within their jurisdictions that are not related to the sewer system (e.g. nutrient management plans for land owned by the Bulk User) and sell said Nutrient Credits to Third Parties as allowed by PADEP's Nutrient Trading Program.

### 3.7.3 Nutrient Offsets

- (1) All Bulk Users shall, as a condition of connecting to the DMA Sewer System, transfer ownership of all nutrient offsets vested in them by PADEP to DMA without compensation.
- (2) All Bulk Users shall agree to identify and document the disconnection of properties from On-lot Disposal Systems (OLDS) and their connection to the Collection System and report such connections in writing to the DMA not less than once per year to coincide with Chapter 94 reporting. Documentation of new connections shall be as required by PADEP for adjustment to DMA's Nutrient cap load.

## ARTICLE 4 INDUSTRIAL WASTEWATER DISCHARGES AND DISCHARGES OTHER THAN DOMESTIC SEWAGE

### 4.1 ROLES AND RESPONSIBILITIES

In order to control the discharge into the Sewer System of Industrial Waste and any other Non-domestic Wastewater, the written approval of DMA must be obtained by the User prior to the discharge of such Industrial Waste or Non-domestic Wastewater. Such written approval shall be in the form of either (1) a written letter signed by DMA stating that a Discharge Permit is not required or (2) a Discharge Permit ("Permit") issued by DMA to the person, firm, or corporation intending to discharge such waste.

The Municipality or Municipal Authority into whose Collection System such waste is intended to be discharged shall be responsible for administration of the Industrial Pretreatment Program as described herein, including but not limited to identifying Industrial Waste and any other Non-domestic Wastewater dischargers; coordinating all permit applications; collecting all fees from the industrial user, and paying fees to DMA; receiving all monitoring reports from the Industrial User, reviewing said data for completeness and conformance with the user's Industrial Waste Permit and transmitting said reports to DMA; and conducting inspections of Industrial Users' facilities to ensure compliance with the conditions of their Industrial Waste Permits. DMA reserves the right to inspect any industrial facility and collect samples for analysis regardless of the location of the Industrial User.

DMA shall have final responsibility for reviewing such applications, requesting such additional information as may be required through the Municipality or Municipal Authority and issuing a permit or letter stating that such permit is not required.

The procedure for obtaining approval from DMA shall be as described in *Articles 4.2 and 4.3*.

### 4.2 INDUSTRIAL AND NON-DOMESTIC WASTEWATER PERMIT APPLICATION REQUIREMENTS

#### 4.2.1 Non-Domestic Wastewater Dischargers' Notification Procedure

All establishments that may discharge Non-domestic Wastewater shall be required to submit pre-application information to the affected Municipality or Municipal Authority.

- (1) Pre-application information shall be in the format established by DMA and shall include, at a minimum, the following:
  - a) Name, address and location of the establishment
  - b) Standard Industrial Classification (SIC) code for all processes which result in a discharge.

- c) Description of activities, facilities and plant process on the premises and the number of employees, hours of operation and seasonal information impacting waste production
- d) Each product produced by the type, amount, process and rate of production in units appropriate to the type of establishment.
- e) Description of raw materials used, including, but not limited to, product materials, materials required for process operations (saw water, chemical cutting, or surface preparation), and cleaning agents required for specific process operations.
- f) Time and duration of all discharges to the Sewer System.
- g) Estimates of average daily, maximum daily and instantaneous peak wastewater flow rates.
- h) Estimates of average daily, maximum daily and instantaneous peak wastewater BOD, TSS, TN and TP concentrations based on site specific data if available and industry averages if site specific information is not available.

Such pre-application information shall be reviewed by the affected Bulk User, and if complete, shall be submitted to DMA for review and approval.

- (2) Based on the information submitted and other information available to the Authority, DMA shall determine if the Discharger of Non-domestic Wastewater shall be required to submit an Industrial Waste Discharge Permit Application. Such determination shall be based on the anticipated characteristics and quantity of the wastes to be discharged.
- (3) In the event that DMA determines that the waste generated by the Discharger of Non-domestic Wastewater is not Industrial Waste, not a High Strength waste and will not result in pass through and/or interference, DMA will notify the User and the affected Bulk User that an Industrial Waste Discharge Permit is not required. Said notification shall be in writing.
- (4) DMA reserves the right to verify information provided by the User through independent sampling and analysis as well as other investigations of the installed facilities to determine the characteristics of waste discharged to the Collection System.
- (5) Notwithstanding any prior determination, DMA reserves the right to require any user to apply for an Industrial Discharge Permit at any time it

believes that the discharge from a user is Industrial Waste, constitutes a High Strength Wastewater (as defined herein), or has the potential to violate any of the Prohibited Discharge Standards set forth in Section 3.2.2.

- (6) No application fee shall be required for review of pre-application information submitted by a discharger of Non-Domestic Wastewater.

#### 4.2.2 Industrial Establishments and Dischargers

- (1) All establishments which discharge Industrial Wastewater and all establishment that discharge Non-domestic Wastewater that have been determined by DMA to require a discharge permit shall be required to submit an Industrial Waste Permit Application (application).
- (2) Each person making application to obtain an Industrial Waste Permit shall complete and file with DMA or the Bulk User, who shall submit same to DMA, an application in the form prescribed by DMA and accompanied by the fee prescribed by the DMA Fees and Charges, at least ninety (90) days prior to connecting to or discharging to the sewer system, or in the case of an existing User, within 30 days of notification that an application is required. In support of the application, the industrial user shall submit, in units and terms appropriate for evaluation, the following information to the affected Bulk User in the format established by DMA:
  - a) The name, address and location of the establishment
  - b) Standard Industrial Classification (SIC) code for all processes which result in a discharge.
  - c) Wastewater constituents and characteristics as required by DMA, as determined by a qualified analyst; sampling and analysis shall be performed in accordance with procedures established by the EPA.
  - d) Each product produced by the type, amount, process and rate of production in units appropriate to the type of establishment.
  - e) The type and amount (average and maximum per day) of raw materials used and copies of Material Safety Data Sheets (MSDS) for each material, including cleaning agents.
  - f) The number and type of employees and hours of operation of the establishment and proposed or actual hours of operation of any pretreatment systems.
  - g) The time and duration of non-domestic or industrial waste discharge.

- h) The average daily and thirty minute peak wastewater flow rates, including daily, monthly and seasonal variation if any.
- i) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers, sewer connections, inspection manholes, sampling chambers and appurtenances by size, location and elevation.
- j) Description of activities, facilities and plant process on the premises including all materials which are or could be discharged.
- k) Measurements or verifiable estimates of average daily, maximum daily and instantaneous peak wastewater BOD, TSS, TN and TP loading rates, in pounds per day and the concentration in mg/l, including the time and duration of all discharges and description of monthly and seasonal fluctuations.
- l) The nature and concentration of any pollutants in the discharge which are limited by any DMA, state or federal pretreatment requirements (including local limits) or categorical standards and a statement regarding whether or not the categorical standard or pretreatment requirements, including whether additional pretreatment is required for the industrial user to meet applicable categorical standard or pretreatment requirements. If the applicant is a categorical industrial user, this statement shall be signed by an Authorized Representative.
- m) If additional pretreatment and/or O&M will be required to meet categorical standards or other pretreatment requirements (including local limits), the shortest schedule by which the industrial user will provide such additional facilities or procedures shall be developed and submitted. The completion date of this schedule shall not be later than the standard. The following conditions shall apply to this schedule:
  - i. The schedules 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 industrial user to meet the applicable categorical standards or other pretreatment requirements (e.g. hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction etc.).

- ii. No increment referred to in the above Article shall exceed nine (9) months.
- iii. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the industrial user shall submit a progress report to DMA 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 industrial user to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to DMA.
  - n) A list of all environmental control permits issued to the industrial user including but not limited to NPDES, RCRA, air quality, or other permits issued by PADEP or EPA.
  - o) Statement regarding whether compliance with the DMA Rules & Regulations will be achieved and complied with on a consistent basis.
  - p) An agreement to allow DMA (and the Bulk User where appropriate) to promptly enter and inspect the premises at reasonable times for the purpose of determining compliance with any Permit that may be issued and with these Rules and Regulations.
  - q) Any other information or data that DMA may deem necessary to evaluate the impact of the proposed industry on the Sewer System.
  - r) The application shall be signed and attested to by an authorized representative of the industrial user.
- (3) Each person making application for a Permit to discharge Industrial Waste, or any other Wastewater not defined as Domestic Sewage, into the Sewer System shall furnish complete information as described in *Section 4.2.1* and, when deemed necessary, *Section 4.2.2* to the appropriate Bulk User. Such application shall be reviewed by the affected Bulk user, and if complete, shall be submitted to DMA for review and approval. DMA may request additional information to assist it in processing the application. When DMA is satisfied that the Permit application sufficiently demonstrates that the proposed discharge will comply with DMA's rules and regulations, that the proposed discharge will not adversely affect the operation or the integrity of the Sewer System or the quality of the discharge from the Treatment Plant, and that the

proposed discharge will not adversely affect the quality of the biosolids from the Treatment Plants, DMA shall prepare a discharge Permit and issue it to the applicant, providing a copy to the affected Bulk User. DMA may provide a draft or preliminary permit to the user for its review and comment prior to issuing a final Permit.

(4) Confidentiality of Applications

- a) All information required by DMA in the permit application shall be provided by the industrial user to the best of its ability.
- b) If information regarding raw materials, processes, production rates or other manufacturing information is regarded as confidential by the applicant, such information shall be marked confidential on the application form.
- c) Confidential shall not apply to information regarding the flow or the constituents in the industrial wastewater discharge.
- d) Information accepted by DMA as confidential shall be handled as detailed in *Article 4.11* of these Rules & Regulations.

(5) Application Fees and Deposits shall be as defined in most recent version of DMA's *Fees and Charges*.

4.3 INDUSTRIAL WASTE PERMIT CONDITIONS

4.3.1 Industrial Waste Permit Contents: An Industrial Waste Permit shall be expressly subject to all provisions of the industrial pretreatment program and all other applicable regulations, use charges and fees established by DMA. Permits may contain the following:

- (1) Limits on the average and maximum wastewater constituents and characteristics, including local limits and/or categorical standards, as applicable.
- (2) List of prohibited discharges, as presented in *Article 3.2*.
- (3) Requirements for submission of technical reports or discharge reports, including the information to be contained and the signatory requirements or these reports.
- (4) Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.

- (5) Requirements for maintaining and retaining records relating to industrial waste and wastewater discharges and characteristics as specified by DMA and affording DMA access thereto.
- (6) Requirements for notification to DMA of any introduction of wastewater constituents or any substantial change in volume or character of the wastewater constituents being discharged into the sewer system.
- (7) Requirements for notification of slug loads.
- (8) Statement of duration of the Industrial Waste Permit.
- (9) Notification of the rules regarding transferability of the Industrial Waste Permit.
- (10) Notification of penalties provided for noncompliance.
- (11) Notification of right of appeal.

4.3.2 Other Industrial Discharge Permit Information: Permits may also contain other conditions or requirements, including but not limited to:

- (1) Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization.
- (2) Requirements for installation and maintenance of inspection and sampling facilities.
- (3) Requirements for installation and maintenance of pretreatment facilities.
- (4) Requirements for developing and implementing special plans or practices such as toxic organic management plans, special management or housekeeping practices or other such procedures.
- (5) Compliance schedules.
- (6) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the sewer system.
- (7) Other conditions as deemed appropriate by DMA to ensure compliance with these Rules & Regulations.

4.3.3 Transferability of Industrial Waste Permit: Industrial Waste Permits are issued to a specific industrial user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new person, industrial user, different premises or a new or changed operation without the approval of DMA. Any succeeding industrial user shall also comply with the terms and conditions of the existing Industrial Waste Permit. DMA may, at its discretion,

deny the transfer of an Industrial Waste Permit and require application for a new Industrial Waste Permit under the provisions of these Rules & Regulations.

4.3.4 Duration of Industrial Waste Permit: Industrial Waste Permits shall be issued for a specified time period, not to exceed five (5) years. An Industrial Waste Permit may be issued for a period of less than one (1) year or may be dated to expire on a specific date. The industrial user shall apply for reissuance of the Industrial Waste Permit a minimum of one hundred eighty (180) days prior to the expiration of the industrial user's existing Industrial Waste Permit. The terms and conditions of the Industrial Waste Permit may be subject to modification by DMA during the term of the Industrial Waste Permit as limitations or requirements are modified or other just cause exists. The industrial user shall be informed of any proposed changes in its Industrial Waste Permit at least thirty (30) days prior to the effective date of the change. Any changes or new conditions in the Industrial Waste Permit shall include a reasonable time schedule for compliance.

4.3.5 Delayed Permit Renewal

- (1) If the industrial user has complied with the terms of the Industrial Waste Permit and the industrial pretreatment program and has applied for renewal as provided for in *Article 4.3.4* and the wastewater discharge permit is not renewed on or before the expiration date through no fault of the industrial user, then the existing Industrial Waste Permit shall remain in effect until it is reissued or rescinded by DMA.
- (2) If the Industrial Waste Permit is not renewed because of a failure of the industrial user to apply for renewal in a timely fashion or through an act or omission of the industrial user, then discharge of the industrial waste by the industrial user without an Industrial Waste Permit is an Unauthorized Discharge and is subject to the enforcement provisions of these Rules & Regulations.

4.3.6 Appeal of Industrial Waste Permits

- (1) Any industrial user that is issued an Industrial Waste Permit may appeal the permit conditions, in whole or in part. Appeal procedures shall be as set forth in *Article 4.12.7* of these Rules and Regulation.
- (2) During the process of appeal, the Industrial Waste Permit shall remain in effect and shall be enforced with the exception of those conditions specified in writing in the appeal. Conditions imposed by federal or state regulations (e.g. categorical standards) shall not be waived. Conditions which, in the opinion of DMA, would constitute a hazard or pose a potential threat of pollution if waived shall not be waived during an

appeal. Those conditions which will not be enforced during an appeal shall be decided by DMA in its sole discretion and communicated to the permittee.

#### 4.4 INDUSTRIAL WASTEWATER DISCHARGE REQUIREMENTS

4.4.1 Local Limits: DMA may establish local limits regulating the discharge of specific pollutants by industrial users.

- (1) Local limits may be established for any substance which is discharged, or is likely to be discharged, to the sewer system.
- (2) Local limits may limit concentration, mass or a combination of the two.
- (3) The procedure for the calculation of limits shall be as recommended by the approval authority. Whenever possible, the calculation of local limits shall be technically based, using all available information.
- (4) Local limits shall be calculated to prevent interference; pass-through; the discharge of toxic materials in toxic amounts; threats to worker health and safety; and physical, chemical or biological damage to the system.
- (5) Local limits, if developed by DMA, shall be applied to all industrial users and shall be included in all Industrial Waste Permits as deemed appropriate by DMA.
- (6) Discharging any pollutant in excess of a local limit established for that pollutant shall constitute an unauthorized discharge. Such a discharge is subject to the actions and penalties set forth by these Rules & Regulations or other applicable law.

4.4.2 Categorical Standards: If the categorical standards for a particular industrial user are more stringent than local limits or other requirements imposed by these Rules & Regulations, then the categorical standards shall apply. DMA shall notify all affected industrial users of the applicable reporting requirements under 40 CFR § 403.12. The National Categorical Pretreatment Standards are hereby incorporated into these Rules & Regulations as requirements for those industrial users subject to such categorical standards. When DMA is not the Control Authority, reports made under the provisions of 40 CFR § 403.12 shall be submitted to EPA, with a copy provided to DMA.

4.4.3 State Requirements: State requirements and limitation on discharges shall apply in any case where they are more stringent than federal requirements and limitations and those established by these Rules & Regulations.

4.4.4 Prohibition on Dilution: No Non-Domestic Wastewater discharger shall, in any way, attempt to dilute a discharge as a partial or complete substitute for

adequate pretreatment to achieve compliance with the limitations contained in applicable categorical standards, Prohibited Waste limits as set forth in Article 3.2.2, or any other pollutant-specific limitation, including local limits, developed by DMA or the approval authority.

4.4.5 Slug Loads and Spills: Each Industrial User shall provide protection from spills resulting in prohibited discharges and slug load discharges. Facilities to prevent spills and slug loads shall be provided and maintained at the industrial user's own cost and expense.

- (1) Best Management Plans shall be implemented and maintained as required by *Article 4.5*. It shall be the responsibility of the industrial user to implement spill protection measures, whether or not specifically required by DMA, to protect the sewer system.
- (2) In the case of a spill, it is the responsibility of the industrial user to immediately notify DMA by telephone of the incident. The notification shall include the location of the discharge, type of waste, concentration and volume, corrective actions being taken or planned and expected duration.
- (3) Within five (5) days following a spill, slug load or other accidental discharge, the industrial user shall submit to DMA a detailed written report describing the cause of the discharge and the measures to be taken by the industrial user to prevent similar future occurrences. Such notification shall not relieve the industrial user of any expense, loss, damage or other liability which may be incurred as a result of damage to the sewer system, fish kills, or any other damage to person or property; nor shall such notification relieve the industrial user of any fines, civil penalties or other liability which may be imposed by these Rules & Regulations or applicable law.
- (4) Notice to Employees: A notice shall be permanently posted on the industrial user's bulletin board or other prominent place advising employees whom to call in the event of a spill or other accidental discharge. Employers shall ensure that all employees who may cause or suffer such a discharge to occur are advised of the emergency notification procedure.

4.4.6 Water Filtrations Systems: Discharge of filter backwash water to the sewer system shall be regulated as follows:

- (1) Granular media filter backwash water may be discharged to the sewer system, subject to all of the applicable provisions of these Rules & Regulations.

- (2) Diatomaceous earth filter backwash, if discharged to the sewer system, shall be connected to the sewer system through settling tanks with no less than three (3) months' storage capacity of spent diatomaceous earth.

#### 4.4.7 Trucked and Hauled Wastes

- (1) Discharge of trucked or hauled wastes shall be made only at a point designated by DMA.
- (2) Such wastes shall conform to all requirements of these Rules & Regulations regarding prohibited discharges, regulated characteristics, local limits or other requirements as to nature and concentration unless waived by DMA in writing.
- (3) No trucked or hauled wastes shall be discharged except as specifically approved by DMA. DMA may require testing, reporting or other specific information to be presented by the operator or owner prior to discharge.
- (4) In order to implement the provisions of this sub-Article, DMA may establish a permit system or other means of control and may set rate, frequency, volume or other controls on the discharges from such vehicles.

4.4.8 Grease and Sand Traps: Grease, oil and sand interceptors or traps shall be provided by a user when DMA determines that such devices are necessary for the proper handling of wastewaters containing greases, oils or settleable solids. Interceptors and traps shall be installed, operated, maintained and cleaned properly, so that they will consistently remove the grease, oil or settleable solids. Interceptors and traps shall be properly designed to accommodate the maximum flow rate expected to occur and shall be located as to be readily and easily accessible for cleaning and inspection. When deemed necessary by DMA, a user may be required to provide periodic reports documenting the proper periodic cleaning of grease or sediment traps.

4.4.9 Garbage Grinders: The use of mechanical garbage grinders producing a finely divided mass, properly flushed with an ample amount of water, shall be permitted, upon the condition that no such mechanical garbage grinder used for commercial or business purposes shall be installed until written permission for such has been obtained from DMA.

4.4.10 Pretreatment Facilities: Industrial users shall provide necessary wastewater pretreatment as required to comply with their Industrial Waste Permit and shall achieve compliance with all applicable standards. Any facilities required for pretreatment shall be provided, operated and maintained at the industrial user's expense. Detailed plans showing the pretreatment facilities and operating procedures shall be submitted to DMA for review and shall be acceptable to

DMA before construction of the facility. The review of such plans and operating procedures will in no way relieve the industrial user from the responsibility of modifying the facility as necessary to produce a discharge which complies with the provisions of their Industrial Waste Permit. Any subsequent changes in the pretreatment facilities or method of operation shall be reported to and be acceptable to DMA prior to the industrial user's initiation of the changes. The review and acceptance of plans and procedures by DMA shall not be considered an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the industrial user.

#### 4.5 BEST MANAGEMENT PLAN (BMP)

4.5.1 Requirements of a BMP: DMA may require any discharger to develop and submit a Best Management Plan (BMP) for spill control if the discharger handles, stores or uses substances that may cause pass through or interference at the WWTP or may present a health and safety hazard or would otherwise constitute an Unauthorized Discharge if discharged to the Sewer System. The plan shall be submitted within 60 days after notification by DMA. When the user is an Industrial User, the Industrial User must submit the BMP with its Industrial Discharge Permit Application if it handles hazardous or toxic substances to avoid delays in issuance of the permit. The BMP shall be directed at preventing the entrance of pollutants, directly or indirectly, into the Collection System and/or Sewer System and may incorporate elements of the following types of plans: Accidental Spill Prevention Plan, Stormwater Management Plan, Solvent Management Plan and Spill Prevention Countermeasure and Control Plan. The BMP shall contain the following information, in addition to the information contained in the Industrial Discharge Permit Application:

- (1) An inventory and description of the types and quantities of hazardous and toxic substances used or stored on the premises and their potential points of entry into the collection system and Sewer system.
- (2) A description of emergency measures to be taken to prevent entry of the substance into the sewer system at the described points after a spill, leak, or overflow occurs.
- (3) A list of available equipment and materials used to control spills, leaks, overfills, or other unintended releases.
- (4) A description of normal disposal methods used.
- (5) A description of employee training in the prevention and control of spills.
- (6) Procedures for immediate notification of DMA in the event of a spill.

- (7) Certification by a qualified professional or officer of the company that the plan is adequate to prevent spills, leaks, slug loads or non-customary discharge of regulated substances.
- (8) If stormwater is collected or managed on the property a description of how stormwater will be excluded from the sewer system under all conditions.

4.5.2 BMP Revisions: DMA may require revisions to the discharger's plan if the plan contains elements that are, as determined by DMA, inadequate to prevent spills, leaks, slug loads or an unauthorized discharge. Review of such plans and operating procedures by DMA shall not relieve the discharger from the responsibility to modify its facility as necessary to comply with local, state and federal laws and regulations and to meet all of the requirements of these Rules and Regulations.

#### 4.6 INDUSTRIAL WASTEWATER DISCHARGE MONITORING REQUIREMENTS

##### 4.6.1 Monitoring Facilities

- (1) DMA may require an industrial user to provide and operate, at the industrial user's own expense, monitoring facilities to allow inspection, sampling and flow measurement of the industrial waste discharge. The monitoring facility should normally be situated on the industrial user's premises, but DMA may, when such a location would be impractical or cause undue hardship on the industrial user, allow the facility to be constructed in the public street or sidewalk area and located so that it will not be obstructed by landscaping or parked vehicles.
- (2) There shall be ample room in or near such sampling manhole or facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling and measuring equipment shall be maintained at all times in a safe and proper operating condition at the expense of the industrial user.
- (3) Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with DMA's requirements and all applicable local construction standards and specifications. Construction shall be completed within ninety (90) days following written notification by DMA.

4.6.2 Sampling and Analyses: All sampling and analysis performed in compliance with Industrial Waste Permit conditions or to prepare the reports required by *Articles 4.6.3, 4.6.4, 4.6.5 and 4.6.6* shall be accomplished using techniques specified in 40 CFR Part 136 or alternative procedures described in the latest

edition of *Standard Methods for the Examination of Water and Wastewater* if no EPA approved procedure exists.

#### 4.6.3 Baseline Monitoring Reports

- (1) As soon as possible following the promulgation of a categorical standard, the Industrial Waste Permit of industrial users subject to such standards shall be revised, if necessary, to require compliance with such categorical standard within the time frame prescribed by the categorical standard.
- (2) Where an industrial user, subject to a newly promulgated categorical standard, has not previously submitted an application for an Industrial Waste Permit as required by *Article 4.2* of these Rules & Regulations, the industrial user shall, within one hundred and eighty (180) days after promulgation of the applicable categorical standard:
  - a) Apply for an Industrial Waste Permit and
  - b) Provide the baseline monitoring information required by 40 CFR §403.12 (b). This information may be incorporated into the application for an Industrial Waste Permit.
- (3) An Industrial User with an existing Industrial Waste Permit shall submit to DMA within one hundred and eighty (180) days after promulgation of an applicable categorical standard the information required by 40 CFR §403.12 (b).
- (4) A new source or an industrial user that becomes a categorical industrial user through a change in facilities or processes shall submit a report containing the information required by 40 CFR §403.12 (b) at least ninety (90) days prior to commencement of discharge from the regulation process or facility.

4.6.4 Categorical Compliance Report: Within ninety (90) days following the date for final compliance with applicable categorical standards or, in the case of a new source, following commencement of the discharge of industrial wastes from processes regulated by categorical standards into the sewer system, any industrial user subject to categorical standards shall submit to DMA (and the Approval Authority if EPA is the Approval Authority) a report prepared pursuant to 40 CFR § 403.12(d), indicating the nature and concentration of all pollutants in the discharge from regulated processes which are limited by categorical standards and the average and maximum daily flow for those process units in the industrial user's facility which are limited by such categorical standards. The report shall certify that the information contained therein concerning wastewater constituents and flows is representative of

discharges during normal work cycles. The report shall also state whether the applicable categorical standards are being met on a consistent basis and, if not, what additional operation and management practices and/or pretreatment is necessary to bring the industrial user into compliance with the applicable categorical standards, and including a schedule for completion of the required actions in the form described in *Article 4.2.2,(2),m*.

#### 4.6.5 Periodic Compliance Reports

- (1) All Significant Industrial Users shall report to DMA at least twice a year, the date of the report to be as determined by DMA and contained in the Industrial Waste Permit. Reports may be required more frequently, if deemed necessary by DMA. Provided that DMA may, at its sole option, conduct inspections and sampling of significant industrial users, and may notify the user that such inspections and sampling are conducted in lieu of self-monitoring and reporting under this Article.
- (2) The reports required under this Article shall contain, at a minimum, the measured concentration of all pollutants regulated by the wastewater discharge permit, a record of all measured daily flows which exceed the average daily flow value reported in the application for a permit and a statement of accuracy and completeness signed and certified by the authorized representative of the Industrial User.
- (3) For significant industrial users subject to Categorical Standards, if discharge limits are based on mass units per production unit, then production information regarding the regulated process during the reporting period shall be included in the report, along with flow and concentration values, so that a determination if compliance or noncompliance with categorical standards can be made.
- (4) For significant industrial users subject to Categorical Standards, the certification of compliance with those standards must be signed by an Authorized Representative and submitted to the Control Authority and DMA if DMA is not the Control Authority.

#### 4.6.6 Reporting Results of Discharge Limit Violations

- (1) If, upon receipt of valid sampling and testing results, a Significant Industrial User becomes aware that a violation of discharge limits has occurred, the Significant Industrial User shall, within five business days of receiving the results from the laboratory, notify DMA of this fact. Within thirty (30) days of becoming aware of the violation, the industrial user shall also sample and analyze its discharge(s) for each parameter found to be in violation and report the results of the re-sampling and analysis to

DMA. This reporting requirement does not apply to sample results obtained by DMA.

- (2) Each Industrial User shall have a duty, on receipt of validly obtained sampling and analysis results, of promptly inspecting the results and determining if any Industrial Waste Permit condition has been violated. Failure to examine and compare testing results with Industrial Waster Permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

#### 4.7 INDUSTRIAL USER INSPECTION REQUIREMENTS

4.7.1 Inspections: The Municipality or Municipal Authority into whose Collection System industrial waste is discharged shall conduct inspections of facilities operated by all permitted Industrial users at least once per year to ascertain whether the purposes of the industrial pretreatment program, as described in these Rules & Regulations, are being met and all compliance requirements are being met. Persons or occupants of the premises where wastewater is created or discharged shall allow the representative of the Municipality or Municipal Authority and DMA ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of their duties. The Municipality or Municipal Authority and DMA shall have the right to establish 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 procedures in force which would require proper identification and clearance before entry onto their premises, the user shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, inspection personnel will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

4.7.2 DMA Right to Inspect: DMA reserves the right to inspect the facilities of any user, regardless of location, to ascertain whether the purposes of the industrial pretreatment program are being met. Users that apply for discharge permits shall, as part of the permit application process, provide written consent to entry and inspection by DMA. All Commercial and Industrial Users shall be deemed to have consented to such inspections, as a condition of acceptance of Non-Domestic waste by DMA,

#### 4.8 HAZARDOUS WASTES AND SUBSTANCES NOTIFICATION REQUIREMENTS

##### 4.8.1 Program Requirements

- (1) All industrial users shall notify the Bulk User into whose system the discharge is made, and DMA, EPA and PADEP in writing of any

discharge into the sewer system of substances which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261 as provided in 40 CFR § 403.12(p). Such notification shall include the following:

- a) The name of the hazardous waste(s), as set forth in 40 CFR Part 261.
  - b) The EPA hazardous waste number(s) and the type of discharge (continuous, batch or otherwise).
  - c) An estimation of the mass and concentration in the wastewater of all such constituents discharged.
  - d) Certification that the industrial user has a program in place to reduce the volume and toxicity of hazardous wastes to the degree it has determined to be economically practical.
- (2) Reporting is not necessary if (a) the Industrial User is regulated under Categorical Standards and reports related information in baseline monitoring and periodic compliance reports and (b) the discharge is in compliance with Categorical Standards with regards to the concentration and mass of the discharge.

#### 4.9 CHANGES IN OPERATIONS

4.9.1 Requirements: Any Industrial User contemplating or planning a change in the manufacturing process, raw materials, auxiliary processes, pretreatment processes or other changes which may result in changes to wastewater character, composition, volume or rate of flow shall notify DMA, in writing, at least thirty (30) days prior to making such a change, or, if the change is unplanned, immediately upon making the change. The report shall include all information necessary to determine the effect on the wastewater of the change.

4.9.2 DMA Options: DMA may, on receipt of such a report:

- (1) Continue an existing Industrial Waste Permit in effect;
- (2) Require application for a new Industrial Waste Permit;
- (3) Modify an existing Industrial Waste Permit to reflect the changed nature of the waste;
- (4) Rescind and reissue an existing Industrial Waste Permit in order to make substantial changes in Industrial Waste Permit conditions;
- (5) Revoke an existing Industrial Waste Permit or require the Industrial User to cease or prevent the discharge; or
- (6) Take such other action as DMA deems appropriate.

#### 4.10 RECORDS

4.10.1 DMA Responsibilities: DMA shall keep and maintain all records relating to the administration and enforcement of the Industrial Waste Permit, including but not limited to, wastewater discharge permit applications, investigations and calculations, wastewater discharge permits, inspection reports, industrial user reports, sampling results and enforcement activities, for a minimum of three (3) years. In cases of ongoing litigation, records shall be maintained as long as they may be required.

4.10.2 Industrial User Responsibilities: All industrial users shall keep and maintain records of monitoring activities and results, wastewater discharge permits and reports to DMA for a minimum of three (3) years. In cases of ongoing litigation, records shall be maintained as long as they may be required.

#### 4.11 CONFIDENTIALITY

##### 4.11.1 DMA's Responsibilities:

- (1) Information and data on an industrial user obtained from reports, questionnaires, wastewater discharge permit applications and monitoring programs and from inspections shall be available to the public or any governmental agency without restriction unless the Industrial User specifically requests and is able to demonstrate to the satisfaction of the DMA that the release of such information, processes or methods of production are entitled to protection as trade secrets of the industrial user.
- (2) When requested by the person showing a report and supported by evidence acceptable to DMA as to need for protection as confidential material, the portion 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 upon written request to governmental agencies for uses related to the industrial pretreatment program, the NPDES permit, any state permit and/or the industrial pretreatment program; provided, however, that such portions of a report shall be available for use by the EPA, the state or any state agency in judicial review or enforcement proceedings involving the industrial user or the person submitting the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- (3) DMA shall maintain a secure place to store records containing confidential information and shall ensure that all records marked as confidential are kept secure from casual or public scrutiny.

- (4) When information accepted by DMA as confidential is transmitted to any government agency, a notification to the industrial user shall be provided listing the confidential information transmitted and the governmental entity requesting it.

#### 4.12 ENFORCEMENT

Discharge of any industrial waste or non-domestic waste to the sewer system by an industrial user without an Industrial Waste Permit or a written document signed by DMA stating that an Industrial Waste Permit is not needed, is an Unauthorized Discharge and is subject to the remedies provided herein.

4.12.1 Right to Refuse: DMA reserves the right to refuse to accept wastewater or combinations of wastewater which are discharged in violation of the Rules and Regulations, an industrial wastewater discharge permit, or any written directions issued by DMA pursuant to these Rules and Regulations. DMA may take such steps as it deems necessary, as outlined in this Article, to compel discontinuance of the use of the sewer system or pretreatment of industrial wastewater in order to comply with the provisions of the industrial pretreatment program

#### 4.12.2 Suspension of Permit

- (1) DMA may suspend the Industrial Waste Permit when such suspension is necessary, in the opinion of DMA, in order to stop an actual or threatened discharge which presents or may present an imminent or substantial endangerment to the health or welfare of persons or to the environment, causes interferences or pass-through or causes DMA to violate any condition of its NPDES permit or any other federal or state law, rule, regulation or permit.
- (2) Any Industrial User notified of a suspension of its Industrial Waste Permit shall immediately stop or eliminate the discharge. In the event of a failure of the Industrial User to comply voluntarily with the notice of suspension, the discharge shall be considered an Unauthorized Discharge, and DMA shall take such steps as deemed necessary, including immediate severance or plugging of the connection between the building sewer and the Collection System to prevent or minimize damage to the sewer system or endangerment to the environment or any property or person.
- (3) DMA shall reinstate the Industrial Waste Permit upon submission of proof by the industrial user of the elimination of the unauthorized discharge. A detailed written statement submitted by the industrial user describing the causes of the unauthorized discharge and the measures taken to prevent any future occurrence shall be submitted to DMA within fifteen (15) days of the date of notice from DMA.

## 4.12.3 Revocation of Permit

- (1) Any Industrial User that violates the following conditions of the industrial pretreatment program, these Rules and Regulations, or applicable state and federal regulations is subject to having its Industrial Waste Permit revoked:
  - (a) Failure of an industrial user to factually report the wastewater constituents and characteristics of its discharge in any application for a wastewater discharge permit or in any reports required by these Rules & Regulations.
  - (b) Failure of an industrial user to report significant changes in operations or wastewater constituents and characteristics as required by these Rules & Regulations.
  - (c) Refusal of reasonable access to the industrial user's premises for the purpose of inspection or monitoring; or
  - (d) Significant noncompliance with conditions of the Industrial Waste Permit.

4.12.4 Notice of Violation: Whenever DMA finds that any industrial user has violated or is violating the provisions of these Rules and Regulations, its Industrial Waste Permit or any prohibition, limitation or requirements contained herein, DMA may serve upon such industrial user a written notice stating the nature of the violation and requiring a response within a specified time. Responses required of industrial users may include but are not restricted to actions, plans, compliance schedules or written explanations.

## 4.12.5 Show-cause Hearing:

- (1) DMA may direct any industrial user who causes or allows an unauthorized discharge to enter the sewer system or who violates any condition or requirements of these Rules and Regulations or its wastewater discharge permit to show cause before DMA why a proposed enforcement action should not be taken. A notice shall be served on the industrial user specifying the time and place of a hearing to be held by DMA regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the industrial user to show cause before DMA 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 if the industrial user is a corporation.

- (2) DMA may itself conduct the hearing and take the evidence or may designate any of its members or any representative of DMA to:
  - (a) Issue in the name of DMA 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 evidence.
  - (c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendation, to DMA for action thereon.
- (3) At any hearing held pursuant to this sub-Article, testimony may be taken under oath and recorded. 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.
- (4) After DMA has reviewed the evidence, it may, in writing, direct the industrial user to take certain actions to correct the unauthorized discharge or to achieve compliance. The actions which may be directed include but are not limited to:
  - (a) Installation of pretreatment facilities or equipment.
  - (b) Modification or additions to existing pretreatment facilities or equipment.
  - (c) Initiation of management practices which are required to alter the nature of the industrial waste being discharged.
  - (d) Development or implementation of BMP or other spill prevention measures.
  - (e) Cessation of a discharge or of certain constituents of a discharge;
  - (f) Other measures found to be necessary to correct the unauthorized discharge or other noncompliance.
  - (g) The direction may be in the form of a schedule for compliance, setting dates by which certain actions shall be taken, a permit, or other document expressing the decision of DMA pursuant to the hearing.

#### 4.12.6 Right of Appeal

- (1) An industrial user may appeal an enforcement action taken by the DMA or Industrial Waste Permit conditions, in whole or in part. An appeal is subject to the following requirements:

- (a) The appeal must be made in writing to DMA.
  - (b) The appeal must be made within thirty (30) calendar days from the date of receipt of the Industrial Waste Permit, written directions or notice of other action by the DMA.
  - (c) The appeal must state the specific provision(s) of an Industrial Waste Permit or the specific action of DMA which is being contested.
  - (d) The appeal must state the reasons for the appeal of each provision.
  - (e) The appeal may suggest alternate or revised provisions or actions to replace those appealed.
- (2) Provisions mandated by federal or state regulation (e.g. compliance with Categorical Standards) shall not be appealed.
  - (3) An appeal shall be made to DMA and shall be reviewed by any designated representative(s) of DMA, provided that:
    - (a) The representative shall not be the pretreatment coordinator; and
    - (b) The representative is not the superintendent.
  - (4) Within sixty (60) days of receipt, the representatives reviewing the appeal shall report, in writing, to DMA the results of the review. The report shall contain, at a minimum:
    - (a) A summary of each item appealed, the appellant's reasons for appeal and the appellant's proposed remedies, if any.
    - (b) The finding of merit for each point and the reason(s) for finding.
    - (c) For each point found to be with merit, a proposed remedy and a finding that the remedy is allowable under the provisions of the industrial pretreatment program and all applicable Federal, State and Local Rules, regulations and laws.
  - (5) DMA shall review the report and, at one (1) or more regular or special public meetings, which shall be in the form of an appeal under the Pennsylvania Local Agency Law (2 Pa.C.S. § 551 et seq.) take any additional testimony offered by the appellant, reviewer, pretreatment program coordinator or other interested party. DMA shall, within forty-five (45) days of the conclusion of testimony, decide to:
    - (a) Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
    - (b) Deny the appeal in whole or in part.

- (6) This decision shall be communicated to the appellant in writing and constitutes final administrative action.
  - (7) Actions of DMA for which an appeal was available but not instituted as set forth in this Article 4.12.6 shall not be appealable to any other adjudicative body.
- 4.12.7 Civil Actions: If any person violates the provisions of these Rules and Regulations, any local, federal or state pretreatment requirements, categorical standards or any Industrial Waste Permit or written directions issued by DMA, DMA may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Montour County.
- 4.12.8 Enforcement Response Plan: DMA may develop an enforcement response plan to guide the pretreatment coordinator in the administration of the industrial pretreatment program. If developed, the enforcement response plan shall meet the requirements of 40 CFR § 403.8(f)(5) regarding the contents of enforcement response plans. The pretreatment coordinator shall be guided by the enforcement response plan when reviewing industrial user reports, inspection results and other compliance information when recommending to DMA enforcement action in response to non-compliance.
- 4.12.9 Significant Violators: DMA shall publish annually, in the local daily newspaper of highest circulation, a list of industrial users that were found to be in significant noncompliance during the previous calendar year. Significant noncompliance shall be determined using measures of rate, magnitude and type of noncompliance, as delineated below:
- (1) Chronic violations of local limits, prohibitive discharge standards, categorical standards or other numerical limitations on discharges of industrial waste. A chronic violation occurs if the violation occurs in sixty-six percent (66%) or more of all measurements taken during a six month period for the same pollutants.
  - (2) Technical review criteria (TRC) violations of local limits, prohibitive discharge standards, categorical standards or other numerical limitations on discharges of industrial waste. A TRC violation occurs if thirty-three percent (33%) or more of all of the measurements for any pollutant equal or exceed the produce of the daily maximum limit or the monthly average limit and the applicable TRC. For conventional pollutants (BOD, TSS and FOG), the TRC equals one and four-tenths (1.4); for all other pollutants except pH, the TRC equals one and two-tenths (1.2).
  - (3) Any violation of local limits, prohibitive discharge standards, categorical standards or other numerical limitations on discharges which DMA

determines has caused or contributed to pass-through or interferences or has endangered the health or safety of borough personnel or the public.

- (4) Any discharge that has caused imminent endangerment to human health, welfare or the environment or has caused DMA to suspend an Industrial Waste Permit.
- (5) Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in an Industrial Waste Permit or submitted in response to written directions of DMA for starting construction, completing construction or attaining final compliance.
- (6) Failure to provide, within forty-five (45) days after the due date, any required reports, including but not limited to baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules or reports on a change in operations.
- (7) Failure to accurately report any noncompliance.
- (8) Any other violation, noncompliance or group of violations or non-compliance, including BMP violations, which DMA determines will adversely affect the operation or implementation of the industrial pretreatment program.

4.12.10 Records: DMA shall maintain records of all enforcement actions taken, the reasons for those actions and the results of those actions. These records shall be made available to the approval authority and the public during normal business hours.

#### 4.13 VIOLATION AND PENALTIES

Each Township and Borough connected to the DMA collection system and/or WWTP shall adopt an Ordinance to impose civil penalties upon any user who is found to have failed to comply with any provisions of the industrial pretreatment program or the rules, regulations and permits issued hereunder. The Ordinance shall allow such violator to be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000) (or the maximum penalty allowed by law, if lower) for each offense. In addition, the contributing municipality may provide that the violation of its Ordinance constitutes a summary offense subject to appropriate penalties on conviction. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense. In addition to the penalties, the Ordinance shall allow DMA and the public entity in which the violator resides to recover reasonable attorneys' fees, court costs, court reporters' fees and other expenses of litigation by appropriate suit at law against the person found to have violated these Rules & Regulations.

**ARTICLE 5 - COLLECTION SYSTEMS****5.1 PURPOSE**

The purposes of this Article are (i) to provide for operation and maintenance of the sewer system in a reliable and serviceable condition, (ii) to eliminate or minimize sewage overflows by eliminating or minimizing sources of infiltration and inflow, (iii) to comply with applicable legal requirements pertaining to the DMA's sewer system and (iv) to protect the public health and safety by establishing and providing a mechanism for enforcing performance standards for private sewer laterals that connect or are connected to a Public Sewer.

**5.2 ROLES AND RESPONSIBILITIES**

Each Bulk User and its related Municipality or Authority shall, as a condition of connecting to and discharging any sewage into the DMA sewer system:

- (1) Own, operate, maintain and expand its own Collection System including the collection of all rents, fees and charges on users as required to pay for same.
- (2) Impose all rents, fees and charges on users of its system as required by these Rules and Regulations, the Wastewater Fees and Charges for the Borough of Danville and All Bulk Users and any Agreements between the Bulk User and DMA. Fees shall be remitted to the DMA at least quarterly or as required by any Agreements between the Bulk User and DMA.
- (3) Adopt DMA's Rules & Regulations and shall at all times require Users of its Collection System to fully comply with these Rules and Regulations. The Bulk User shall adopt and enforce appropriate penalties, consistent with the laws of the Commonwealth of Pennsylvania, for any violation of its ordinance or resolution incorporating these Rules & Regulations.
- (4) Adopt Ordinances or Resolutions and shall keep same in effect requiring the issuance of Sewer Permits and shall establish Rules & Regulations governing the construction of building sewers, service laterals, connections and other matters relating to the Collection System which are compatible with these Rules and Regulations and other requirements of the DMA. DMA shall have access to all Collection System records, plans and other documents upon reasonable notice to the Bulk User.
- (5) Keep its Collection System in proper repair and operating condition and make all necessary renewals, replacements and improvements thereto in order to maintain adequate services and comply with (1) the terms of these Rules & Regulations, (2) the terms of all Agreements between the Bulk User and DMA and (3) all present and future laws, rules, regulations, permits, orders and

- requirements applicable thereto and lawfully made by PADEP, EPA or other governmental body having jurisdiction.
- (6) Complete Inflow/Infiltration (I/I) studies of its Collection System and implement corrective action as required by DMA or by PADEP from time to time in order to protect the Sewer System from inflow or infiltration of stormwater. All Bulk Users will cooperate in carrying out such tests, studies, inspection, rehabilitations and other work as may be required in connection with such I/I and the terms of all Agreements between the Bulk User and DMA.
  - (7) Complete all testing, inspection and coordinate repair and replacement of Building Drains and Sewer Laterals with Property Owners and shall provide qualified inspectors to determine the acceptability of new and existing Building Drains and Sewer Laterals as described in these Rules & Regulations.
  - (8) Grant DMA the right to inspect the Bulk User's Collection System (e.g. pumping stations, metering stations, manholes etc.) to ascertain whether the purposes of these Rules & Regulations are being met. DMA shall have the right to set up on the Bulk User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations.
  - (9) Not construct, own or operate any treatment facility in the Service Area, nor will it permit any part of its Collection System within the Service Area to be connected to any treatment or disposal facilities other than DMA's WWTP.
  - (10) Not make or permit any connection to the Collection System owned by DMA except at the specific locations identified in the Agreement between the Bulk User and DMA. If any Bulk User desires an additional Connection Point between its Collection system and DMA's Collection System, it shall make a written application to DMA. Upon approval of the application by DMA and any governmental agencies having jurisdiction, the Agreement between the affected parties will be amended. DMA shall have the right to review and approve drawings and specifications for the manner, methods and materials used in the construction of additional connection points and shall have the right to inspect the work. Approved methods to measure and monitor flow will be required for all new connection points.
  - (11) Indemnify and hold DMA harmless from any damage or demands whatsoever in any manner arising or growing out of the construction, operation, maintenance or repair of its Collection System and each Bulk User shall hold DMA harmless from all claims for damages arising or growing out of said activities.
  - (12) Coordinate submittal of all PADEP Sewage Facilities Planning Modules for new connections with DMA. DMA's approval of Planning Modules and the commitment of capacity for proposed connections shall be for a period of two

(2) years (730 calendar days), which such limitation shall be duly noted in each such Planning Module. The two-year period shall commence on the date of DMA's approval. Except as noted under Item 5.2, (13), below, approval of connections not made within the two-year period shall become null and void and those connections shall not be made until the Planning Module applicant obtains a new written approval from DMA to make the connection(s).

- (13) At DMA's discretion, the Approval period may be extended in one-year increments upon payment of a reservation of capacity fee to DMA as set forth in DMA's Wastewater Fees and Charges. The reservation of capacity fee shall be equal to 60% of the average rental for a residential customer and based on the number of EDUs proposed to be connected.

### 5.3 USE OF PUBLIC SEWERS

5.3.1 Adoption of Public Sewer Ordinances and Resolutions: Each Bulk User and the Borough shall adopt Ordinances or Resolutions to require, at a minimum, the following:

- (1) The Owner of any improved property benefited, improved or accommodated by a sewer shall connect such improved property with such sewer in a manner as required by the Bulk User or the Borough within 60 days after notice to such owner.
- (2) All sanitary sewage and industrial wastewater from any improved property, after connection, shall be conducted into the sewer, subject to limitations and restrictions established in these Rules & Regulations.
- (3) No privy vault, cesspool, sinkhole, septic tank or similar receptacle shall be used, maintained or connected to the sewer at any time upon any improved property without the express written consent of DMA.
- (4) No person shall uncover, connect with, make any opening into or use, alter or disturb any building sewer connection without first obtaining a permit from the Bulk User or the Borough.
- (5) All Building Sewers and Sewer Laterals shall be tested and inspected as required by *Article 5.4* of these Rules & Regulations.

### 5.4 TESTING, INSPECTION, REPAIR AND REPLACEMENT OF BUILDING DRAINS AND AND BUILDING SEWER LATERALS

#### 5.4.1 Testing of New Building Drain and Building Sewer Lateral

- (1) Inspections shall be conducted by Inspectors duly authorized by DMA or the Bulk User. The Owner shall arrange for an inspection directly with the Bulk User if the property is connected to a sewer system not owned by

- DMA or with the Borough of Danville if property is within the boundaries of the Borough.
- (2) After a Building Drain and/or Building Sewer Lateral is constructed and successfully cleaned, perform a low pressure air Acceptance Test in accordance with the following Standards:
- a) Plug free ends of service connections.
  - b) Seal piping at upstream and downstream ends with pneumatic type plugs. Test plug seal before actual use by testing plugs outside the trench in one length of pipe pressurized to maximum anticipated testing pressure. Plugs to hold without bracing and show no movement.
  - c) Introduce low pressure air slowly into sealed sewer section until internal air pressure is four (4) psig greater than the average ground water pressure acting on the pipe.
  - d) Allow two minutes minimum for air temperature to stabilize, adding only required air to maintain pressure.
  - e) After stabilization period (3.5 psig minimum in pipe) disconnect air supply and determine rate of air loss by measuring time interval required for 3.5 psig to decrease to 2.5 psig greater than the average groundwater pressure acting on the pipe.
  - f) To determine the groundwater pressure acting on the pipe being tested, divide the height in feet of the groundwater above the invert of the pipe by 2.3. Add the result to the previously specified test pressures (i.e., If maximum groundwater height is 11.5 feet above the pipe invert, the groundwater pressure is five psig. This increases the 3.5 psig and 2.5 psig to 8.5 psig and 7.5 psig, respectively.) Test pressure not to exceed ten psig regardless of height of groundwater over the pipe.
  - g) Consider sewer line Acceptable when a 1.0 psig pressure drop does not occur within the test time specified in the following Air Test Table.
  - h) Test Standards:
    - i. DIP, RCP, PCCP: Test according to ASTM C 924.
    - ii. PVC Pipe, Solid Wall: Test according to UNI-B-6.

- iii. PVC Pipe, Profile Wall: Test according to UNI-B-6.
- i) Repair and Retest: When sewer lateral fails to meet test requirements specified above, determine source or sources of leakage, repair or replace defective material, and if as result of improper workmanship, correct such. Conduct additional tests required to demonstrate that sewer line meets specified tests requirements.
- j) Final connection to the sewer may be completed upon issuance of Certificate of Compliance by the Inspector. Once a Certificate of Compliance is issued, the Building Sewer Lateral for which the Certificate of Compliance is issued shall not require testing for a period of ten (10) years from the date of issuance of the Certificate of Compliance unless DMA or the Bulk User has reason to believe the Building Sewer Lateral is in a defective condition. The Certificate of Compliance shall not imply a warranty or guarantee of any kind.

#### 5.4.2 Testing of Existing Building Sewer Lateral

- (1) It shall be unlawful for any Property Owner to maintain a Building Drain or Building Sewer Lateral in a defective condition. As used herein, "defective condition" includes, but is not limited to: (a) displaced joints; (b) root intrusion; (c) substantial deterioration; (d) damaged or missing cleanout; (e) in a condition that will allow infiltration and inflow of extraneous water or ex-filtration of sewage; (f) in a condition that materially increase the possibility of a blockage or overflow; (g) constructed without a proper permit or with materials not approved by the DMA; (h) lack of a Manufactured Connection to the DMA's sewer system; (i) otherwise in violation of DMA requirements; or (j) in such a condition that the tests required herein cannot be accomplished to the satisfaction of the DMA.
- (2) Cleaning and inspection of existing Building Drains and Building Sewer Laterals shall be performed at the Property Owner's expense, when any of the following events occur:
  - a) Prior to the close of escrow upon a sale or other transfer of the house, building, property or other structure served or, if there is no escrow, prior to recording a deed or other document transferring title to the house, building, property or other structure served.
  - b) The installation of additional plumbing facilities that produce a major increase in sewage flow from the house, building, property or other structure served.

- c) A change of use of the house, building, property or other structure served from residential to business, commercial, or other non-residential use; or from non-residential, non-restaurant, non-commercial, non-industrial to restaurant, commercial or industrial uses.
  - d) Upon repair or replacement of any portion of the Building Drain or Building Sewer Lateral.
  - e) Upon the determination that the cleaning, testing, repair or replacement is required for the protection of the public health, safety and welfare.
  - f) Upon request by the DMA at any time commencing upon the expiration of the fifth year after the effective date of this ordinance.
- (3) Inspection Procedures for Existing Building Drain/Sewer Lateral.
- a) Inspections shall be conducted by Inspectors duly authorized by DMA or the Bulk User. Said person shall arrange for an inspection directly with the Bulk User if the property is connected to a sewer system not owned by DMA or with the Borough of Danville if property is within the boundaries of the Borough.
  - b) The inspection shall consist of the physical inspection of the property to look for illegal connections to the sewer system and to determine the condition of the existing sewer lateral. The inspector shall employ any of the following activities that, in his opinion, are necessary:
    - i. video inspection
    - ii. dye testing
    - iii. smoke testing
    - iv. pressure testing
    - v. Any other reasonable and appropriate method acceptable to DMA to determine if any prohibited waste may be entering the sanitary sewer system.
- (4) When all conditions are met to the satisfaction of the Inspector, the Building Drain or Building Sewer Lateral shall be certified as complying with the provisions of these Rules & Regulations. The Inspector shall thereupon issue a Certificate of Compliance to the Property Owner, noting that the Building Drain and/or Building Sewer Lateral serving the property is properly equipped, structurally sound and meets the requirements of these Rules & Regulations. Once a Certificate of Compliance is issued, the

Building Drain and/or Building Sewer Lateral for which the Certificate of Compliance is issued shall not require testing for a period of ten (10) years from the date of issuance of the Certificate of Compliance unless DMA or the Bulk User has reason to believe the Building Drain or Building Sewer Lateral is in a defective condition. The Certificate of Compliance shall not imply a warranty or guarantee of any kind.

5.5 REPAIR OR REPLACEMENT OF BUILDING DRAIN OR BUILDING SEWER LATERAL UPON SALE OR TRANSFER OF PROPERTY

The repair or replacement of a Building Drain/Sewer Lateral that results from the testing required as a result of the sale or transfer of property in a non-probate transaction shall be completed prior to the close of escrow of the sale or, if there is no escrow, prior to recording the deed or other document transferring title. For properties sold or transferred in a probate or other testamentary proceeding, pursuant to the terms of a revocable living trust or similar instrument, or pursuant to the termination of a joint tenancy or similar proceeding, any repair or replacement of a Building Drain or Sewer Lateral shall be completed within 180 days after the probate sale or other transfer.

5.6 COMMON INTEREST DEVELOPMENTS

The homeowners association of a Common Interest Development shall provide Inspection verification of all privately-owned Building Drains and Building Sewer Laterals within the common interest areas at least once every ten (10) years for compliance with the duties and obligations imposed by DMA's Rules & Regulations in relation to any Building Drain or Building Sewer Lateral located within a common area of the development. If no homeowners association exists, then the individual unit owners, both jointly and individually, shall be liable for the duties and obligations with respect to Building Drains and Building Sewer Laterals established by DMA's Rules & Regulations.

5.7 HARDSHIP DEFERRALS FOR BUILDING DRAINS AND SEWER LATERALS REPAIR OR REPLACEMENT

- (1) In the event that the Property Owner establishes to the satisfaction of the DMA that repair or replacement of a Building Drain or Building Sewer Lateral before the close of escrow in a non-probate sale will result in undue hardship inconsistent with the purpose or intent of these Rules & Regulations, a request for hardship status may be submitted to Bulk User if the property is connected to a sewer system not owned by DMA or with the Borough of Danville if property is within the boundaries of the Borough. The Bulk User or DMA shall make a hardship finding only if the requesting Property Owner presents facts that clearly demonstrate that the Property Owner's payment for and completion of a Building Drain or Building Sewer Lateral repair or replacement at the required time would

result in an undue hardship. If hardship status is granted, the Property Owner will be required, as a condition of the grant of the waiver, to include in the sale documents a provision that the purchaser of such property shall have no more than 180 days after the close of escrow or other transfer of the property to repair or replace the Building Drain or Building Sewer Lateral, as appropriate. For purposes of this Article, undue hardship shall be defined as (a) the severe illness or incapacitation of the Property Owner; (b) the immediate transfer or removal of the Property Owner from the state, thereby making the hiring of a contractor to repair or replace the Building Drain or Building Sewer Lateral impractical or overly burdensome; or (c) any physical or financial situation that would render compliance with the time limits for the repair or replacement of Building Drain or Building Sewer Lateral extraordinarily difficult or impractical. The Property Owner shall bear the burden of submitting documentation and proving the existence of such a bona fide hardship to the satisfaction of the Bulk User or DMA.

- (2) Any Property Owner to whom a hardship finding is granted shall be given written notice of the finding. Said notice shall inform the Property Owner that the Building Drain and/or Building Sewer Lateral repair or replacement requirement is only deferred up to 180 days after the close of escrow—not waived entirely. A copy of the notice shall be sent to both the Property Owner who is selling the property and to the purchaser of the property.
- (3) In the event of a failure to comply with these Rules and Regulations within the allotted time, the Bulk User or DMA may bring an enforcement action and exercise any other remedy provided by applicable law against the previous or new Property Owner and any other responsible party. In addition thereto, any Property Owner who fails to fully comply with this Ordinance shall be responsible for all damages that arise from or relate to such failure. For purposes of this Article, “damages” include all compensatory and consequential damages, fines, penalties, assessments and other monetary exactions that may be awarded to, levied or assessed by any person, firm, corporation, company or public entity.

Danville Municipal Authority  
Montour County, Pennsylvania

Resolution No. 2016-3

Resolution to Adopt Authority Sewer Fees & Charges

**Whereas**, the Pennsylvania Municipal Authorities Act, 53 Pa. C.S. Ch. 56, authorizes Municipal Authorities in Pennsylvania to fix, alter, charge and collect rates and other charges in the area served by its facilities; and

**Whereas**, the Danville Municipal Authority (Authority) desires to assure that the costs of operation, maintenance, construction and repair of its facilities are paid for by the users of the system in a fair and equitable manner:

**Whereas**, the Authority, upon the proper motion and second, adopted its 2017 budget including a 15% sewer rate increase at its November 21<sup>st</sup>, 2016 meeting.

**Now, therefore**, it is hereby resolved as follows:

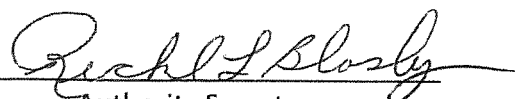
1. The Authority hereby adopts the Wastewater Fees and Charges for the Borough of Danville, Industrial Users, and All Bulk Users as the governing document to fix, alter, charge and collect rates and other charges in the area served by its facilities effective January 1, 2017. A summary of said rates and charges as follows:


Residential	\$110.40
Room	\$29.49
Commercial	\$110.40
Rate per 1,000 galloons	\$4.05
Tapping Fee – Capacity	\$1,125.69
Tapping Fee – Collection	\$661.23

2. All other resolution inconsistent herewith are deemed rescinded.

Adopted December 19<sup>th</sup>, 2016.

ATTEST:

  
Authority Secretary

  
Authority Chairman

## Sewer Use Fees for the Borough of Danville

### RESOLUTION \_\_\_\_ OF 2016 DANVILLE MUNICIPAL AUTHORITY

#### A RESOLUTION TO AMEND THE SEWER USE FEES OF THE DANVILLE MUNICIPAL AUTHORITY

WHEREAS, Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which is or shall be connected with the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rental or charges shall commence and shall be effective as of January 1, 2017, and shall be payable as provided herein, in accordance with the following schedule of rates and classifications; and

WHEREAS, The Danville Municipal Authority is required by PENNVEST to establish sufficient rates to cover operations, maintenance, construction and debt service expenses related to the wastewater treatment and collection systems in the Borough of Danville, Montour County; and

BE IT RESOLVED, The sewer rentals or charges within the Borough of Danville shall be as follows:

Improved properties furnished unmetered water service.

1.	Residences <u>Item</u> Single family residence (including condominiums, townhouses, mobile homes apartments and trailers)	<u>Quarterly Sewer Rental or Charge</u> \$110.40
2.	<u>Item</u> Commercial establishments <u>Quarterly Sewer Rental or Charge</u>	
	All commercial establishments Except as listed below:	\$110.40
	Bank (including credit unions, saving and loans and other similar financial institutions)	\$6.60 per employee or \$169.21 whichever is greater
	Medical Office (including dentist, veterinarian, employee or Chiropractic, etc.)	\$6.60 per employee or \$169.21 whichever is greater
	Restaurant	\$220.65
	Hotel, Motel, Bed & Breakfast, Rooming houses & other similar dwellings	\$29.49 per room
	Preschool & Daycare (per person Including employees)	\$6.60 per person or \$110.40

	whichever is greater
Nursing homes, personal care and assisted living facilities	\$29.49 per employee, person and guest or 110.40 whichever is greater
3. <u>Public facilities</u>	
<u>Item</u>	<u>Quarterly Sewer Rental or Charge</u>
All public facilities	\$441.45
4. <u>Other</u>	
<u>Item</u>	<u>Quarterly Sewer Rental or Charge</u>
Industrial/Manufacturing Operations	\$13.97 per employee or \$169.21 whichever is greater
Professional offices and services with more than 17 employees (including but not limited to attorney office, insurance office, real estate office, engineering/design office, telecommunications office, and other similar offices)	\$6.60 per employee

Owners of improved properties furnished unmetered water service by the Borough not falling under the foregoing descriptions shall pay a minimum sewer rental or charge for any dwelling unit and/or nonresidential establishment of 110.40 per quarter annum.

Improved properties furnished metered water service

- (1) Except as otherwise provided in this Resolution, sewer rentals or charges for sewage and/or industrial wastes discharged into the sewer system from any dwelling unit and/or improved property shall be based upon volume of water usage, adjusted, if appropriate, as provided in this Resolution, where the volume of water usage shall be metered, whether by the Danville Municipal Authority or otherwise.
- (2) Sewer rentals or charges for sewage and/or industrial wastes discharged into the sewer system from an industrial establishment may be based upon actual metered volume of discharge, as permitted in this Resolution.
- (3) In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered rate schedule; subject, however, to any minimum rentals or charges provided in this article:

Metered Rate Schedule

<u>Gallons Per Quarter Annum</u>	<u>Dollars Per Thousand Gallons</u>
	<u>Per Quarter Annum</u>
Per Thousand Gallons	\$4.05

- (4) Notwithstanding the foregoing metered rate schedule, the minimum sewer rental or charge for any dwelling unit and or improved property where the volume of water usage shall be metered shall be as follows:

<u>Water Meter Size</u> (inches)	<u>Minimum Quarterly</u> <u>Rental or Charge</u>
Less than 1	\$110.40
1	\$132.35
1 ¼	\$147.10
1 ½	\$169.21
2	\$213.28
4	\$331.05
6	\$514.99
8	\$838.67

Or such rental or charge as would be computed through the descriptions for improved properties furnished unmetered water service, whichever is greater.

For service periods of less or more than one quarter annum, the sewer rental or charge and the computation of the volume of water consumed or the volume or discharge to the sewer system, as applicable, shall be proportionately adjusted.

Whether or not served by private or common facilities, where more than one residential and or nonresidential establishment, including institutional dormitories, is located in one building, house, or other structure and such building, house, or other structure is served by one sewer connection, multiple charges shall be computed as if each had separate connections and facilities.

Where more than one dwelling unit and/or nonresidential establishment is served water from a common meter, the sewer rental or charge shall be determined by dividing the total quarterly water consumption by the number of dwelling units and/or nonresidential establishments being served from the common water meter and by computing separate billings by applying the rates set forth above to the resulting water consumption quotient, subject to the minimum \$110.40 per quarter annum for each such dwelling and/or nonresidential establishment.

Notwithstanding any of the foregoing, sewer rentals or charges to each industrial establishment which shall discharge sewage and/or industrial wastes to the sewer system shall be not less than \$13.97 per employee per quarter annum or its adjusted equivalent for sewer service periods of less or more than one quarter annum based upon the average number of persons employed per working day during the industrial establishments for any service period shall be not less than 50% of the maximum billing of any one of the three consecutive preceding quarters.

Notwithstanding any of foregoing, the minimum sewer rentals or charges shall be \$6.60 per student per quarter to each elementary and secondary school. Bills shall be due and payable for four quarters per year. The school district shall provide the Authority with a census of the number of pupils enrolled during the full school term beginning in September of each year, which shall be the basis for the subsequent four quarterly billings. Teachers and employees of the school shall be classified as pupils for sewer rental purposes.

Notwithstanding any of the foregoing, the minimum sewer rentals or charges to nursing homes, assisted living facilities, personal care facilities, and other similar facilities shall be not less than \$29.49 per person occupying the premises, per quarter annum, based upon the average number of persons occupying the premises per day during the service period for which the billing is rendered. Such persons shall include resident and nonresident employees, doctors and nurses.

Industrial establishments discharging sewage and industrial wastes to the sewage system having an average five-day BOD greater than 250 parts per million, average suspended solids content greater than 250 parts per million, average total nitrogen greater than 40 parts per million, or average total phosphorus greater than 7 parts per million shall pay High Strength Treatment Fees as set forth in "Wastewater Fees and Charges for the Borough of Danville, Industrial Users and All Bulk Users" as first adopted on March 11, 2013.

If the owner of any nonresidential improved property, including any school, shall fail to provide this Authority with complete information required to compute the sewer rental or charge to such nonresidential improved property, this Authority may estimate a reasonable applicable sewer rental or charge for such nonresidential improved property, and such estimated sewer rental or charge shall be the actual sewer rental or charge payable until the required information is filed; provided, however, that no rebates will be paid by this Authority if the information filed reveals a lower indicated sewer rental or charge than that estimated by this Authority.

Additional classifications and sewer rentals or charges or modifications of the preceding schedule of sewer rentals or charges may be established by this Authority from time to time as deemed necessary.

Nothing herein contained shall be deemed to prohibit this Authority from entering into separate agreements with owners with respect to sewer rentals or charges to be imposed in those cases where, due to seasonal fluctuations, contributions toward construction by owners or other unusual circumstances, the sewer rentals or charges set forth herein shall be deemed by this Authority to be unfair or inequitable.

RESOLVED this 19th day of December, 2016.

SIGNED: \_\_\_\_\_  
          Authority Chairperson

ATTEST: \_\_\_\_\_  
          Authority Secretary

Bureau of Technical Utility Services

Water/Wastewater Division

Data Request Set 1

Wastewater Service Agreement between SUEZ Water Pennsylvania Inc. – Wastewater Division and the Danville Municipal Authority at Docket No. U-2019-3008004

- U-2. Please provide an updated estimate of annual expenses anticipated under the Agreement compared with the \$762,766 annual expense estimate provided by SUEZ Water Pennsylvania Inc. – Wastewater Division in revised Appendix A-19-d at Docket No. A-2018-3003517.

Answer:

The original estimate of \$762,766 remains a good estimate.

Answer provided by: William C. Kelvington, SWPA Director of Operations

Date: March 4, 2019