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VIA eFiling

February 8, 2022

Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

Docket No. A-2021-3028676

Dear Secretary Chiavetta:

On January 18, 2022, Pennsylvania-American Water Company (the "Company") responded to Data Request Set 1 from the Bureau of Technical Utility Services for the above-referenced Application. Enclosed, are the Company's revised responses to Questions A-7, A-19, A-20, and A-32.

If you have any questions, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Harrold", is written over a horizontal line.

Teresa K. Harrold

Enclosures

cc: All Parties on the attached Certificate of Service with Enclosures
Matthew T. Lamb, P.E. VIA E-Mail at mlamb@pa.gov

Pennsylvania-American Water Company's Responses to
the Bureau of Technical Utility Services
Water/Wastewater Division
Data Request Set 1

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-7. The Application's Appendix B, December 1999 Agreement, Section 10(A) indicated the total gallons of sewage discharge from the West End System into the Authority's system shall be read and recorded. Please provide the monthly metered discharge totals from the West End System into the Authority system for the preceding twelve (12) months.

Original Response:

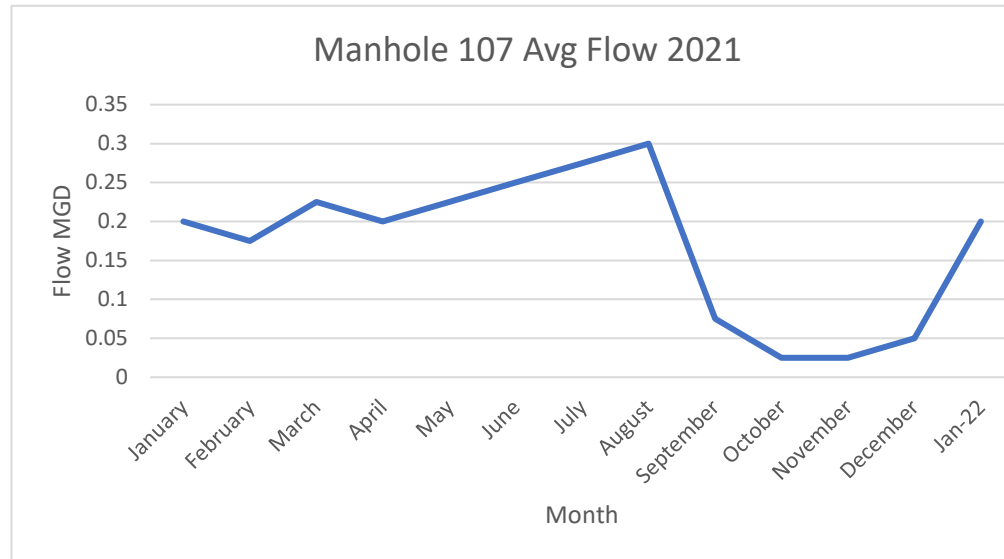
This information was requested from the Authority, but it has not yet been provided to Foster or PAWC. PAWC will supplement this response upon receipt of the information.

Revised Response:

Please see TUS-A-7_Attachment 1.

Name: Michael Salvo
Title: Senior Manager, Business Development

Month 2021	Flow (mgd)	Total (mgd)
January	0.2	5,871,759.85
February	0.175	4,724,298.00
March	0.225	6,933,906.85
April	0.2	6,276,169.53
May	0.225	7,164,632.70
June	0.25	7,614,353.40
July	0.275	8,462,476.78
August	0.3	9,229,615.78
September	0.075	2,399,096.68
October	0.025	796,341.68
November	0.025	785,467.78
December	0.05	1,424,460.60
Jan-22	0.2	2,558,136.18
Total		64,240,715.78



**build up of grease on sensor caused low readings September-December

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A-19. Please provide a five-year DEP compliance history of the Authority's Wastewater Treatment Plant.

Original Response:

This information was requested from the Authority, but it has not yet been provided to Foster or PAWC. Based on a review of DEP's eFacts website, no DEP violations or penalties related to the Authority's Wastewater Treatment Plant are noted.

Revised Response:

Please see TUS-A-19_Attachment 1.

Name: Michael Salvo
Title: Senior Manager, Business Development



BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY INSPECTIONS, VIOLATIONS, AND ENFORCEMENTS

12/29/2021 10:41:43 AM

INSTRUCTIONS

Inspection Date Range: 1/1/2016 To 12/27/2021
 Region: All
 County: All
 Municipality: All
 Facility Type: NPDES Dischargers, Non-NPDES Dischargers
 Facility Kind: All
 Facility Status: ACTIV - Active
 Fee Category: All
 Permit: PA0024716

Total Inspections: 5

INSPECTION ID	INSPECTION DATE	PERMIT #	FACILITY NAME	FACILITY ADDRESS	MAJOR OR MINOR	FACILITY KIND	FACILITY STATUS	FEE CATEGORY	PROGRAM	INSPECTION TYPE	INSPECTION AGENCY	INSPECTION RESULT	# OF VIOLATIONS	# OF ENFORCEMENTS	REGION	COUNTY	MUNICIPALITY
3189851	05/11/2021	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Compliance Evaluation	PA Dept of Environmental Protection	No Violations Noted	0	0	NERO	Luzerne	Foster Twp
3105444	10/13/2020	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Combined Sewer Overflow-Non-Sampling	PA Dept of Environmental Protection	Violation(s) Noted	1	0	NERO	Luzerne	Foster Twp
3068897	07/13/2020	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Administrative/File Review	PA Dept of Environmental Protection	Violation(s) Noted	1	1	NERO	Luzerne	Foster Twp
3027651	05/04/2020	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Administrative/File Review	PA Dept of Environmental Protection	No Violations Noted	0	0	NERO	Luzerne	Foster Twp
3027653	04/23/2020	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Administrative/File Review	PA Dept of Environmental Protection	No Violations Noted	0	0	NERO	Luzerne	Foster Twp
2892430	04/10/2019	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Compliance Evaluation	PA Dept of Environmental Protection	No Violations Noted	0	0	NERO	Luzerne	Foster Twp



**BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY INSPECTIONS, VIOLATIONS, AND ENFORCEMENTS**

12/28/2021 10:41:43 AM

INSPECTION ID	INSPECTION DATE	PERMIT #	FACILITY NAME	FACILITY ADDRESS	MAJOR OR MINOR	FACILITY KIND	FACILITY STATUS	FEE CATEGORY	PROGRAM	INSPECTION TYPE	INSPECTION AGENCY	INSPECTION RESULT	# OF VIOLATIONS	# OF ENFORCEMENTS	REGION	COUNTY	MUNICIPALITY
2668381	07/05/2017	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Administrative/Fee Review	PA Dept of Environmental Protection	Violation(s) Noted	1	1	NERO	Luzerne	Foster Twp
2589916	04/18/2017	PA0024716	FREELAND BORO MUN AUTH	DAVID KAVITSKI 711 BIRKBECK ST FREELAND, PA 18224-1501	Major	Sewage Publicly Owned (Muni)	Active	Major Sewage Facility with CSO	WPCNP	Compliance Evaluation	PA Dept of Environmental Protection	No Violations Noted	0	0	NERO	Luzerne	Foster Twp



**BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY VIOLATIONS AND ENFORCEMENTS**

12/28/2021 10:50:11 AM

Violation Date From: 1/1/2016 to 12/31/2021

Region: NERO
County: 46 - Luzerne
Municipality: 40815 - Freeland Boro
Facility Type: NPDES Dischargers
Inspection Category: Client/Site
Facility Kind: SP - Sewage Publicly Owned (Muni), BWI - Stormwater-Industrial
Facility Status: ACTV - Active
Major/Minor: All
Fee Category: All
Violation Type: All

Open Violations Only: No
S2A Violations Only: No
Single Event Violations Only: No
Circuit Rider System Only: No

Total Violations: 0

No data was found using the criteria entered. Please revise your choices and try again.



**BUREAU OF CLEAN WATER
WATER POLLUTION CONTROL FACILITY VIOLATIONS AND ENFORCEMENTS**

12/26/2017 10:50:11 AM

Pennsylvania-American Water Company's Responses to
the Bureau of Technical Utility Services
Water/Wastewater Division
Data Request Set 1

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-20. Please provide copies of the most current wastewater rates, rules and regulations, along with the associated approval resolutions and ordinances, for both Foster and the Authority.

Original Response:

Please see TUS-A-20_Attachment 1 and TUS-A-20_Attachment 2 for Foster's information. This information was requested from the Authority, but it has not yet been provided to Foster or PAWC. PAWC will supplement this response upon receipt of the information.

Revised Response:

Please see TUS-A-20_Attachments 1 through 4.

Name: Brittany Majewski
Title: Municipal Secretary Foster Township

CHAPTER 18

SEWER REGULATIONS

Part 1

Sewer System Regulations

101. Definitions
102. Sewer Rentals or Charges
103. Computation of Sewer Rentals or Charges
104. Time and Method of Payment
105. Liens for Sewer Rentals; Filing and Collection of Liens
106. Measuring Volume of Sanitary Sewage and industrial Wastes for
Industrial Establishments
107. Admission of Industrial Wastes into the Sewer System
108. Prohibited Wastes
109. Regulations Governing Admission of Industrial Wastes into the Sewer System
110. Access
111. Responsibility of Owners of Improved Property
113. Declaration of Purpose

Part 2

Outside Sewage

201. Discontinuance of Acceptance of Certain Outside Sewage

Part 3

Sump Pumps Prohibited

301. Definitions
302. Connection of Sump Pumps Prohibited
303. Maintenance of Sump Pumps Prohibited
304. Penalties

Part 1

Sewer System Regulations

101. Definitions. Unless the context specifically and clearly indicates otherwise, the meaning of terms used in this Part shall be as follows:

AUTHORITY – Borough of Freeland Municipal Authority, a Pennsylvania municipality authority, acting by and through its board or, in appropriate cases, acting by and through its authorized representatives.

BILLING UNIT – includes, as applicable, each of the following: a “commercial establishment,” a “swelling unit,” an “industrial establishment” and an “institutional establishment.”

B.O.C. (BIOCHEMICAL OXYGEN DEMAND) – the quantity of oxygen, expressed in ppm, utilized in the biochemical oxidation of organic matter under standard laboratory procedure for five (5) days at twenty degrees (20') Centigrade. The standard laboratory procedure shall be that found in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association.

BOROUGH – the Borough of Freeland, Luzerne County, Pennsylvania, a municipal corporation of the Commonwealth of Pennsylvania, acting by and through its Council or, in appropriate cases, acting by and through its authorized representative.

COMMERCIAL ESTABLISHMENT – any room, group of rooms, building or enclosure used or intended for use in the operation of one (1) business enterprise for the sale and distribution of any product, commodity, article or service or used or intended for use for any social, amusement, religious, educational, charitable or public purposes and containing plumbing facilities for kitchens, toilet or washing facilities.

DWELLING UNIT – any room, group of rooms, building or other enclosure occupied or intended for occupancy as separate living quarters by a family or other group of persons living together or by a person living alone.

GARBAGE – solid wastes resulting from preparation, cooking and dispensing of food and from handling, storage and sale of produce.

IMPROVED PROPERTY – any property upon which there is erected a structure intended for continuous or periodic habitation, occupancy or use by human being or animals and from which structure sanitary sewage and/or industrial wastes shall be or may be discharge.

INDUSTRIAL ESTABLISHMENT – any room, group of rooms, building or other enclosure used or intended for use, in whole or in part, in the operation of one (1) business enterprise for manufacturing, fabricating, processing cleaning, laundering or assembling any product, commodity or article or from which any process waste, as distinct from sanitary sewage, shall be discharged.

INDUSTRIAL WASTES – any solid, liquid or gaseous substance or waterborne wastes or form of energy rejected or escaping in the course of any industrial, manufacturing, trade or business process or in the course of the development, recovery or processing of natural resources, as distinct from sanitary sewage.

INSTITUTIONAL ESTABLISHMENT – any room, group of rooms, building or other enclosure which does not constitute a commercial establishment, a dwelling unit or an industrial establishment.

MULTIPLE UNIT – any improved property in which shall be located more than one (1) billing unit.

OWNER – any person vested with ownership, legal or equitable, sole or partial, of any improved property.

PERSON – any individual, partnership, company, association, society, corporation or other group or entity, including a municipal authority and any municipal subdivision.

PH – the logarithm of the reciprocal of the weight of hydrogen ions, expressed in grams per liter of solution, and indicates the degree or acidity or alkalinity of a substance.

PPM – parts per million, by weight.

PROPERLY CHOPPED GARBAGE – garbage that has been chopped to such a degree that all its particles will be carried freely under normal sewer flow conditions, with no particle greater than one-half (1/2) inch in diameter.

SANITARY SEWAGE – the normal water-carried household and toilet wastes from any improved property.

SEWAGE TREATMENT PLANT – the plant and facilities owned by the Authority and leased to the Borough for operations and use for the purpose of treatment and disposition of sanitary sewage and certain industrial wastes and which shall constitute a part of the sewer system.

SEWER – any pipe, main or conduit constituting a part of the sewer system and used or suitable for collection and transportation of sanitary sewage and industrial wastes.

SEWER SYSTEM – all facilities, as of any particular time, for collecting, transporting, pumping, treating and disposing of sanitary sewage and industrial wastes, situated in or adjacent to the Borough, owned by the Authority and leased to this Borough for operation and use.

SUSPENDED SOLID – solids neither dissolved nor floating on the surface of the liquid, as determined by appropriate procedures found in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Public Health Association.

TOTAL SOLIDS – all solids as determined by appropriate procedures found in the latest edition of “Standard Methods for the Examination of Water and Wastewater” published by the American Health Association.

TOXIC SUBSTANCE – any poisonous substance, including copper, cyanide, chromium, beryllium, cadmium, lead, nickel, tin and zinc ions, and any phenolic bodies or radioactive isotopes.

WATER SYSTEM – means the facilities owned by any person and used for the supply of water to the public in and adjacent to the Borough.

(Ord. 12/23/1968, 1)

102. Sewer Rentals or Charges. Sewer rentals or charges are imposed upon and shall be collected from the owner of each improved property which shall be connected with the sewer system, for use of the sewer system, whether such use shall be direct or indirect, which sewer rentals or charges shall commence and shall be effective for all service rendered on and after January 1, 1969 and which shall be payable as provided herein. (Ord. 12/23/1968, 2)

103. Computation of Sewer Rentals or Charges.

1. Flat Rates for Dwelling Units, Commercial Establishments and Institutional Establishments. Sewer rentals or charges for sanitary sewer discharge into the sewer system for any improved property constituting a dwelling unit, a commercial establishment or an institutional establishment shall be on the flat rate basis for the following classifications at the following rates per quarter-annum:

Classification

Rate per Month - See Attached Rates

A. Each dwelling unit

B. Commercial Establishments

- (1) Fire house or municipal Building
- (2) Church
- (3) Retail gasoline station without car washing facilities
- (4) Retail gasoline station with car washing facilities
- (5) Motel or hotel (Wherever a restaurant or bar room is conducted in connection with any motel or hotel, a separate sewer rental or charge shall be imposed for such facilities)

in accordance with the classifications set forth under B (6) below)

(6) Restaurant, bar room, etc.
each restaurant, bar room or other commercial establishment which regularly dispenses food or beverage for consumption on the premises or each combination dwelling unit and restaurant, bar room, or their commercial establishment which regularly dispenses food or beverage for consumption on the premises.

(7) All other commercial establishments not separately classified under (B) (2) through (6) above and not constituting combination dwelling unit as classified in (C) below.

per quarter annum per employee plus per quarter annum for each public restroom subject to a minimum charge of per quarter. This sewer rental or charge shall be computed on the basis of the average daily number of employees for the quarter-annum immediately preceding the date of the bill.

C. Combination dwelling unit and Commercial establishment located In one (1) structure

D. Institutional establishment:

- | | |
|--|-----------|
| (1) Public or private school
Freeland | per pupil |
| (2) Public or private school
Foster | per pupil |

2. Metered Rates for Industrial Establishments. Sewer rentals or charges for sanitary sewage and industrial wastes, not subject to special charge hereunder, which shall be discharged into the sewer system from any improved property constituting an industrial establishment shall be based upon volume usage, adjusted, if appropriate, as provided in the Part, where the volume of water usage shall be metered in connection with the water system or otherwise.

A. Sewer rentals or charges for sanitary sewage and industrial wastes, not subject to a special charge hereunder, which shall be discharged into the sewer system for any improved property constituting an industrial establishment may be based upon actual metered volume of discharge, as permitted in this Part.

B. In either of the foregoing cases, such sewer rentals or charges shall be computed in accordance with the following metered rates schedule; regardless of the water usage or of the volume of actual metered waste discharge, of per quarter annum or per employee, based on the daily average number of employees for the quarter annum immediately preceding the quarter annum for which the bill is rendered, whichever is larger.

3. Metered Rate Schedule. Per quarter annum water consumption or metered weight discharge over eight thousand gallons; per thousand (1,000) gallons.

(Ord. 12/23/1968, 3; as amended by Ord. 4/7/1969; by Ord. 4/12/1976; by Ord. 8/13/1979; by Ord. 8/23/1984; and by Ord. 7/20/1987)

104. Time and Method of Payment.

1. Sewer rentals or charges imposed by this Part shall be payable quarterly.
2. All bills with respect to billing units shall be rendered each calendar quarter on the first days of January, April, July and October of each year for service during the preceding quarter-annum.
3. Sewer rentals or charges shall be due and payable five (5) days after mailing or delivery by or in behalf of this Borough to the person responsible for payment thereof and shall be payable at the office of the Authority at 711 Birkbeck Street, Freeland, Pennsylvania. If sewer rentals or charges are not paid within thirty (30) calendar days after the same became due and payable, an additional sum of five per centum (5%) shall be added to such net bill, which net bill, plus such additional sum, shall constitute the gross bill. Payment made or mailed and postmarked on or before the last day of such thirty (30) calendar day period shall constitute payment within such period. If the end of such thirty (30) calendar day period shall fall on a legal holiday or on a Sunday, payment made on or mailed and postmarked on the next succeeding business day which is not a legal holiday shall constitute payment within such period. If sewer rentals and charges are not paid within sixty (60) calendar days after the same become due and payable, the bill therefor, in addition to bearing the aforesaid five per centum

(5%) charge, shall also bear interest at the rate of one-half per centum (.5%) per month or fraction thereof from the due date until the date of payment. Whenever service to any improved property shall begin after the first day or shall terminate before the last day of any quarterly billing period, sewer rentals or charges for such period shall be prorated equitably, if appropriate, for that portion of the quarterly billing period during which such improved property was served by the sewer system.

4. Every owner of improved property which is connected to the sewer system initially shall provide this Borough with and thereafter shall keep this Borough advised of his correct address. Failure of any person to receive quarterly bills for sewer rentals or charges shall not be considered and excuse for nonpayment nor shall such failure result in an extension of the period of time during which the net bill shall be payable.

(Ord. 12/23/1968, 4)

105. Liens for Sewer Rentals; Filing and Collection of Liens: Sewer rentals or charges imposed by this Part shall be a lien on the improved property connected to and served by the sewer system; and any such sewer rentals or charges which are not paid within sixty (60) days after each quarterly billing date applicable to the particular improved property shall be filed as a lien against the improved property so connected to and served by the sewer system, which lien shall be filed in the office of the Prothonotary of Luzerne County, Pennsylvania, and shall be collected in the manner provided by law for the filing and collecting of municipal claims. (9Ord. 12/23/1968, 5)

106. Measuring Volume of Sanitary Sewage and Industrial Wastes for Industrial Establishments.

1. Methods of Measuring Volume.

A. Whenever the entire water supply of an improved property or, if applicable, a billing unit or billing units located therein, constituting an industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewer system, is supplied by the water system, the volume of water furnished, as determined from meter readings of the water systems, shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Part.

B. Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting an industrial establishment, which shall be discharging sanitary sewage and/or industrial wastes into the sewer system, shall have a source or sources of water supply in addition to or other than the water system, the owner of such improved property shall provide a meter or meters on such additional or other source or sources of water supply. The total volume of water consumed, as determined from the meter readings of the water system and the meter readings of the meter or meters on such additional or other source or sources of water supply, as appropriate, shall be used as the measure of discharge of sanitary sewage

and/or industrial wastes in computing the sewer rentals or charges, subject to adjustment, if appropriate, as provided in this Part

C. Whenever an improved property or, if applicable, a billing unit or billing units located therein, constituting an industrial establishment shall use water from the water system and/or water from a source or sources of supply in addition to or other than the water system for cooling or unpolluted commercial or industrial process purposes and all or part of the water so used shall not be discharged into the sewer system, the volume used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges may be adjusted by one (1) of the following methods.

(1) By installing a meter or other measuring device on the connection to the sewer system. The readings from such meter or measuring device shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.

(2) By installing a meter or other measuring device to measure the volume not being discharged into the sewer system. The readings from such meter or measuring device shall be deducted from the total water meter readings and the remainder shall be used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges.

(3) If it is not practical, in the opinion of this Borough, to install a meter or other measuring device to determine continuously the volume not discharged into the sewer system, this Borough shall determine, in such manner and by such method as it may prescribe, the percentage of metered water which is being discharged into the sewer system. The quantity of water used as the measure of discharge of sanitary sewage and/or industrial wastes in computing sewer rentals or charges shall be the percentage so determined of the quantity measured by the water meter or meters. Any dispute as to such estimated percentage shall be submitted to the Borough, after notice of such estimate. The decision of the borough with respect to the matter shall be final for the then current calendar year.

D. Whenever an industrial establishment shall discharge only industrial wastes into the sewer system, the volume of water used, measured as herein provided, shall be used as a measure of the quantity of industrial wastes so discharge.

2. Measuring Devices. Meters or other measuring devices which shall not be available in connection with the water system, but which shall be required or permitted under provisions of the Part, shall be furnished and installed in accordance with specifications of the Borough by the owner of the improved property at his expense, shall be under the control of this Borough and may be tested, inspected or repaired by this Borough whenever necessary. The owner of the improved property upon which such meter or other measuring device shall be installed shall be responsible for its maintenance and safekeeping, and all repairs thereto shall be made at the expense of the owner, whether such

repairs shall be made necessary by ordinary wear and tear or other causes. Bills for such repairs, if made by the Borough, shall be due and payable immediately upon completion of such repairs and shall be collected in the same manner as quarterly bills for sewer rentals or charges.

3. Meter Readings. This Borough, except to the extent that meter readings are made by any other person in connection with the water system and are made available to this Borough for purposes of this Part, shall be responsible for the reading of all meters or other measuring devices and the same shall be available to this Borough at all reasonable times.

(Ord. 12/23/1968, 6)

107. Admission of Industrial Wastes into the Sewer System.

1. Approval Required for Industrial Wastes. The discharge into the sewer system of industrial wastes having any of the following shall be subject to prior review and approval of this Borough:

- A. A five (5) day B.O.D. greater than two hundred fifty (250) ppm; or
- B. A suspended solids content greater than three hundred (300) ppm; or
- C. An average daily flow greater than five per centum (5%) of the average daily sewage flow at the sewage treatment plant; or
- D. Any quantity of substances possessing characteristics described in subsection (2) of 108.

2. Preliminary Treatment and Handling of Industrial Wastes.

A. Whenever necessary, in the opinion of this Borough, the owner of an improved property shall provide, at his expense, such facilities for preliminary treatment and handling of industrial wastes as may be necessary to:

- (1) Reduce B.O.D. to two hundred fifty (250) ppm and suspended solids to three hundred (300) ppm; or
- (2) Reduce objectionable characteristics or constituents to come within the maximum limits permitted in the Part; or
- (3) Control the quantities and rates of discharge over a twenty four (24) hour day and seven (7) day week.

B. Plans, specifications and any other pertinent information relating to proposed facilities for preliminary treatment and handling of industrial wastes shall be submitted for approval to this Borough and no construction of any such facility shall be commenced until approved thereof first shall have been obtained, in writing, from this Borough, and until approval thereof first shall have been obtained from any governmental regulatory body having jurisdiction.

C. Whenever facilities for preliminary treatment and handling of industrial wastes shall have been provided by the owner of such improved property, such facilities continuously shall be maintained, at the expense of such owner, in satisfactory operating condition, and this Borough shall have access to such facilities at reasonable times for proposes of inspection and testing.

(Ord. 12/23/1968, 7)

108. Prohibited Wastes.

1. No person, except upon written permission of this Borough, shall discharge or cause to be discharged any storm water, roof or surface drainage or any cooling water or unpolluted industrial or commercial process water into any sewer.

2. Except as otherwise provided in this Part, no person shall discharge or cause to be discharged any of the following described wastes or waters into the sewer system:

A. Any liquid or vapor having a temperature higher than on hundred fifty (150) degrees Fahrenheit.

B. Any water or waste containing more than one hundred (110) ppm of fats, oils or grease.

C. Any gasoline, benzene, naphtha, fuel oil, solvent or other flammable or explosive liquid, solid or gas which, by reason of its nature or quality, may cause fire or explosion or which, in any other way, may be injurious to persons or the sewer system or the sewage treatment plant.

D. Any noxious or malodorous gas or substance which, either singly or by interaction with other wastes, shall be capable of creating a public nuisance or hazard to life or of preventing entry into any sewer or the sewage treatment plant for maintenance and repair.

E. Any garbage, except properly chopped garbage.

F. Any ashes, cinders, sand, mud, straw, shaving, metal, glass, rags, bones, feathers, tar, plastics, wood, paunch manure, butcher's offal or any other solid or viscous substance which shall be capable of causing obstruction to the flow in any sewer or other interference with the proper operation of the sewer system or the sewage treatment plant.

G. Any water or waste having a pH (as determined by this Borough) lower than 6.0 or higher than 9.0 or having any corrosive property capable of causing damage or hazard to structures or equipment of the sewer system or the sewage treatment plant or to personnel engaged in operation and maintenance thereof.

H. Any water or waste containing any toxic substance in quantities sufficient to constitute a hazard to humans or animals or to interfere with any sewage treatment process of the sewage treatment plant or that will pass through the sewage treatment plant in such condition that it will exceed State, Federal or other validly existing requirements for the receiving stream.

I. Any water or waste containing total solids of such character and quantity that unusual attention or expense shall be required to handle such water or wastes at the sewage treatment for sewage treatment processes.

J. Any drainage from building construction, unless otherwise permitted, authorized or approved, with or without special charge, by this Borough and, if required by law by the Commonwealth of Pennsylvania or any governmental unit, board, commission or department having jurisdiction.

3. This Borough reserves the right to refuse permission to connect to the sewer system, to compel discontinuance of use of the sewer system or to complete pretreatment of industrial wastes in order to prevent discharges deemed harmful or to have a deleterious effect upon any portion of the sewer system.

4. Nothing contained in this 108 shall be construed as prohibiting any special agreement or arrangement between this Borough and any person whereby industrial wastes of unusual strength or character may be admitted into the sewer system by this Borough, either before or after preliminary treatment.

(Ord. 12/23/1968, 8)

109. Regulations Governing Admission of Industrial Wastes Into the Sewer System.

1. Required Survey Data. Any person desiring to make a connection to the sewer system through which industrial wastes shall be discharged into the sewer system shall file with its Borough an "Industrial Wastes Report," which shall supply pertinent data, including estimated quantity of flow and chemical and bacteriological analyses, to this Borough with respect to industrial wastes proposed to be discharged into the sewer system.

2. Screening and Holding Tanks. Industrial establishments shall install fine screens to remove husks, hulls, vegetable skins, peelings, threads, lint, grease and other such non-settleable and floating solids, or other organic or inorganic substances, determined by this Borough to overload, impair the efficiency of or cause difficulties in operation of the sewage treatment plant used to treat and dispose of the wastes or in maintaining required quality of the sewage treatment plant effluent. Any improved property discharging three thousand (3000) cubic feet or more of sanitary sewage and/or industrial wastes per day into the sewer system and having large variations in the rate of discharge of such within a twenty-four (24) hour period shall install suitable holding tanks for equalizing the rate of discharge uniformly over the entire twenty-four (24) hour period. The average rate of discharge during any twenty-four (24) period shall not be exceeded by more than fifty percent (50%) at any time during such twenty-four (24) hour period.

3. Control Manholes. Any person who shall discharge industrial wastes into the sewer system, when required by this Borough, shall construct and thereafter properly shall maintain, at his own expense, a suitable control manhole to facilitate observation, measurement and sampling by this Borough. Any such control manhole, when required by this Borough, shall be constructed at an accessible, safe,

suitable and satisfactory location in accordance with plans approved by this Borough prior to commencement of construction.

4. Sewage Sampling. Industrial wastes being discharged into the sewer system shall be subject to periodic sampling, inspection and determination of character and concentrations. Such sampling, inspection and determination shall be made by this Borough as frequently as may be deemed necessary. Representative samples for a full working day shall be obtained by taking hourly samples and compositing them in accordance with the flow at the time of sampling. Sewage sampling facilities shall be accessible to this Borough at all times. Due care shall be exercised in the collection and preservation of all samples to insure preservation thereof in as nearly the natural state as possible, including refrigeration of all samples which are intended for analysis by biochemical methods.

5. Analysis. This Borough shall be responsible for analysis of samples of industrial wastes, at such intervals as this Borough shall determine or at the request and expense of the industrial establishment. Laboratory methods used in the analysis of samples of industrial wastes shall be those set forth in the latest edition of "standard Methods of the Examination of Water and Wastewater", as published by the American Public Health Association, however, alternate methods for the analysis of industrial wastes may be used, subject to mutual agreement between this Borough and the person discharging such industrial wastes into the sewer system.

6. Change in Type of Wastes. Any owner of an improved property who is discharging or permitting to be discharged industrial wastes into the sewer system and who contemplates a change in the method of operation which will alter the type of industrial wastes at the time being discharged into the sewer system shall notify this Borough, in writing, at least ten (10) days prior to consummation of such change.

(Ord. 12/23/1968, 9)

110. Access. This Borough shall have the right of access at reasonable times to any part of any improved property served by the sewer system as shall be required for purposes of inspection, observation, measurement, sampling and testing and for performance of other functions relating to service rendered by this Borough through the sewer system. (Ord. 12/23/29168, 10)

111. Responsibility of Owners of Improved Property. The owner of each improved property connected to the sewer system shall be responsible for all acts of tenants or other occupants of such improved property insofar as such acts shall be governed by provisions of this Part. (Ord. 12/23/1968, 11)

112. Adoption of Additional Rules and Regulations. This Borough reserves the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in connection with use and operation of the sewer system, which rules and regulations shall be, shall become and shall be construed as part of this Part. (Ord. 12/23/1968, 12)

113. Declaration of Purpose. It hereby is declared that the adoption of this Part is necessary for the protection, benefit and preservation of the health, safety and welfare of the inhabitants of the Borough.
(Ord. 12/23/1968, 15)

Sewer Increase
2/1/2021

Freeland Municipal Authority
Current Rates Structure

Income Center: 2 Sewer

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Proration			Over
							Prorate	Status	Days	
01	1 RES & 1 COMM SEWER 0 +	Yes	\$97.00 \$0.00	L	No	No	No			No
02	1 RES & 1 BAR SEWER 0 +	Yes	1 \$115.00 Y \$0.00	L	No	No	Yes	Both	30	No
03	2 RES & 1 COMM SEWER 0 +	Yes	1 \$144.50 Y \$0.00	L	No	No	Yes	Both	30	No
04	1 RES & 2 COMM SEWER 0 +	Yes	1 \$146.50 Y \$0.00	L	No	No	Yes	Both	30	No
05	2 RES & 1 RESTAURANT S 0 +	Yes	1 \$162.50 Y \$0.00	L	No	No	Yes	Both	30	No
06	4 RES & 1 COMM SEWER 0 +	Yes	1 \$239.50 Y \$0.00	L	No	No	Yes	Both	30	No
07	2 RES WATER/1 SEWER (S 0 +	Yes	1 \$47.50 Y \$0.00	L	No	No	Yes	Both	30	No
08	1 COMM WATER/2 COMM 0 +	Yes	1 \$99.00 Y \$0.00	L	No	No	Yes	Both	30	No
09	2 RES WATER; 1 COMM SI 0 +	Yes	1 \$49.50 Y \$0.00	L	No	No	Yes	Both	30	No
BT	BUTLER TOWNSHIP SEW 0 +	Yes	1,742.50 \$0.00	L	No	No	Yes	Both		No
BT2	BUTLER TWP - UPPER LE 0 0	Yes	\$42.50 \$0.00	L	No	No	Yes	Both		No
FT	FOSTER TOWNSHIP 0 0	Yes	\$39.50 \$0.00	L	No	No	No			No
NC	NO CHARGE 0	Yes	1 \$0.00	L	No	No	No			No

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Prorate	Status	Days	Over
P0	8 RESIDENTIAL;3 COMM 0 +	Yes	1 \$528.50 Y \$0.00	L	No	No	No	Both	30	No
P1	OSTER 1 RES & 2 COMM ; 0 +	Yes	1 \$146.50 Y \$0.00	L	No	No	No	Both	30	No
P2	DEPOALO 6 RES & 3 COM 0 +	Yes	1 \$433.50 Y \$0.00	L	No	No	No	Both	30	No
P3	1 RES; 1 COMM; 1 REST S 0 +	Yes	1 \$164.50 Y \$0.00	L	No	No	No	Both	30	No
P4	3 RES SEWER; 1 COMM S 0 +	Yes	1 \$192.00 Y \$0.00	L	No	No	No	Both	30	No
P5	3 RES SEWER;2 COMM SI 0 +	Yes	1 \$241.50 Y \$0.00	L	No	No	No	Both	30	No
P6	2 RES; 1 COMM; 1 RESTA 0 +	Yes	1 \$202.00 Y \$0.00	L	No	No	No	Both	30	No
P7	5 RESIDENTIAL;3 COMM 0 +	Yes	1 \$386.00 Y \$0.00	L	No	No	No	Both	30	No
P8	2 RESIDENTIAL;3 COMM 0 +	Yes	1 \$243.50 Y \$0.00	L	No	No	No	Both	30	No
P9	7 RESIENTIAL; 3 COMM S 0 +	Yes	1 \$481.00 Y \$0.00	L	No	No	No	Both	30	No
PA	10 RESIDENTIAL;3 COMM 0 +	Yes	1 \$623.50 Y \$0.00	L	No	No	No	Both	30	No
PB	2 RESIDENTIAL,2 COMM 0 +	Yes	1 \$194.00 Y \$0.00	L	No	No	No	Both	30	No
PC	9 RESIDENTIAL;3 COMM 0 +	Yes	1 \$576.00 Y \$0.00	L	No	No	No	Both	30	No
PD	5 RESIDENTIAL;1 COMM 0	Yes	1 \$287.00 Y	L	No	No	No	Both	30	No

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Prorate	Status	Days	Over
	+		\$0.00							
PE	3 RESIDENTIAL;3 COMM	Yes	1	L	No	No	No			No
	0		\$291.00							
	+		\$0.00							
PF	4 RESIDENTIAL; 2 COMM	Yes	1	L	No	No	No			No
	0		\$289.00							
	+		\$0.00							
PG	11RES & 3 COMM SEWE	Yes	1	L	No	No	Yes	Both	30	No
	0		\$671.00 Y							
	+		\$0.00							
PH	12 RES & 3 COMM	Yes		L	No	No	Yes	Both	30	No
	0		\$718.50							
	+		\$0.00							
PJ	6 RES & 1 COMM	Yes		L	No	No	Yes	Both	30	No
	0		\$334.50							
	+		\$0.00							
PK	13 RES & 3 COMM	Yes		L	No	No	No			No
	0		\$766.00							
	+		\$0.00							
PL	6 RES/2 COMM SEWER	Yes		L	No	No	No	Both		No
	0		\$384.00							
	+		\$0.00							
PM	6 RES/1 COMM/ 1 REST	Yes		L	No	No	No	Both		No
	0		\$402.00							
	0		\$0.00							
PQ	3 COMM 1 RES	Yes		L	No	No	No			No
	0		\$196.00							
	0		\$0.00							
S1	RESIDENTIAL SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$47.50 Y							
	+		\$0.00							
S2	(A) FIRE HOUSE / MUNICI	Yes	1	L	No	No	Yes	Both	30	No
	0		\$37.50 Y							
	+		\$0.00							
S3	(B,C,G)CHURCH,GAS STA'	Yes	1	L	No	No	Yes	Both	30	No
	0		\$49.50 Y							
	+		\$0.00							
S5	(E,F)HOTEL,MOTEL,RESI	Yes	1	L	No	No	Yes	Both	30	No
	0		\$67.50 Y							
	+		\$0.00							
S6	COMBINATION DWELLIN	Yes	1	L	No	No	Yes	Both	30	No

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Prorate	Status	Days	Over
	0		\$49.50 Y							
	+		\$0.00							
S7	INSTITUTIONAL	Yes	1	L	No	No	No			No
	0		\$2.00							
	+		\$0.00							
S8	INDUSTRIAL	Yes	1	L	No	No	Yes	Both	30	No
	2,000		\$49.50 Y							
	+		\$5.00							

*Not good
as of 2/1/2004*

Freeland Municipal Authority

Current Rates Structure

10/25/2017

Page 1

Income Center: 2 Sewer

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Proration			
							Prorate	Status	Days	Over
01	1 RES & 1 COMM SEWER	Yes		L	No	No	No			No
	0		\$92.00							
	+		\$0.00							
02	1 RES & 1 BAR SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$110.00 Y							
	+		\$0.00							
03	2 RES & 1 COMM SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$137.00 Y							
	+		\$0.00							
04	1 RES & 2 COMM SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$139.00 Y							
	+		\$0.00							
05	2 RES & 1 RESTAURANT S	Yes	1	L	No	No	Yes	Both	30	No
	0		\$155.00 Y							
	+		\$0.00							
06	4 RES & 1 COMM SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$227.00 Y							
	+		\$0.00							
07	2 RES WATER/1 SEWER (S	Yes	1	L	No	No	Yes	Both	30	No
	0		\$45.00 Y							
	+		\$0.00							
08	1 COMM WATER/2 COMM	Yes	1	L	No	No	Yes	Both	30	No
	0		\$94.00 Y							
	+		\$0.00							
09	2 RES WATER; 1 COMM S	Yes	1	L	No	No	Yes	Both	30	No
	0		\$47.00 Y							
	+		\$0.00							
BT	BUTLER TOWNSHIP SEW	Yes		L	No	No	Yes	Both		No
	0		1,640.00							
	+		\$0.00							
BT2	BUTLER TWP - UPPER LE	Yes		L	No	No	Yes	Both		No
	0		\$40.00							
	0		\$0.00							
FT	FOSTER TOWNSHIP	Yes		L	No	No	No			No
	0		\$37.00							
	0		\$0.00							
NC	NO CHARGE	Yes	1	L	No	No	No			No
	0		\$0.00							

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Proration		Days	Over
							Prorate	Status		
P0	8 RESIDENTIAL;3 COMM 0 +	Yes	1 \$501.00 \$0.00	L	No	No	No	Both	30	No
P1	1 RES & 2 COMM 0 +	Yes	1 \$139.00 \$0.00	L	No	No	No	Both	30	No
P2	DEPOALO 6 RES & 3 COM 0 +	Yes	1 \$411.00 \$0.00	L	No	No	No	Both	30	No
P3	1 RES; 1 COMM; 1 REST S 0 +	Yes	1 \$157.00 \$0.00	L	No	No	No	Both	30	No
P4	3 RES SEWER; 1 COMM S 0 +	Yes	1 \$182.00 \$0.00	L	No	No	No	Both	30	No
P5	3 RES SEWER;2 COMM SE 0 +	Yes	1 \$229.00 \$0.00	L	No	No	No	Both	30	No
P6	2 RES; 1 COMM; 1 RESTA 0 +	Yes	1 \$192.00 \$0.00	L	No	No	No	Both	30	No
P7	5 RESIDENTIAL;3 COMM 0 +	Yes	1 \$366.00 \$0.00	L	No	No	No	Both	30	No
P8	2 RESIDENTIAL;3 COMM 0 +	Yes	1 \$231.00 \$0.00	L	No	No	No	Both	30	No
P9	7 RESIENTIAL; 3 COMM S 0 +	Yes	1 \$456.00 \$0.00	L	No	No	No	Both	30	No
PA	10 RESIDENTIAL;3 COMM 0 +	Yes	1 \$591.00 \$0.00	L	No	No	No	Both	30	No
PB	2 RESIDENTIAL,2 COMM 0 +	Yes	1 \$184.00 \$0.00	L	No	No	No	Both	30	No
PC	9 RESIDENTIAL;3 COMM 0 +	Yes	1 \$546.00 \$0.00	L	No	No	No	Both	30	No
PD	5 RESIDENTIAL;1 COMM 0	Yes	1 \$272.00	L	No	No	No	Both	30	No

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Prorate	Status	Days	Over
	+		\$0.00							
PE	3 RESIDENTIAL;3 COMM	Yes	1	L	No	No	No			No
	0		\$276.00							
	+		\$0.00							
PF	4 RESIDENTIAL; 2 COMM	Yes	1	L	No	No	No			No
	0		\$274.00							
	+		\$0.00							
PG	11RES D & 3 COMM SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$636.00 Y							
	+		\$0.00							
PH	12 RES & 3 COMM	Yes		L	No	No	Yes	Both	30	No
	0		\$681.00							
	+		\$0.00							
PJ	6 RES & 1 COMM	Yes		L	No	No	Yes	Both	30	No
	0		\$317.00							
	+		\$0.00							
PK	13 RES & 3 COMM	Yes		L	No	No	No			No
	0		\$726.00							
	+		\$0.00							
PL	6 RES/2 COMM SEWER	Yes		L	No	No	No	Both		No
	0		\$364.00							
	+		\$0.00							
PM	6 RES/1 COMM/ 1 REST	Yes		L	No	No	No	Both		No
	0		\$382.00							
	0		\$0.00							
PQ	3 COMM 1 RES	Yes		L	No	No	No			No
	0		\$186.00							
	0		\$0.00							
S1	RESIDENTIAL SEWER	Yes	1	L	No	No	Yes	Both	30	No
	0		\$45.00 Y							
	+		\$0.00							
S2	(A) FIRE HOUSE / MUNIC)	Yes	1	L	No	No	Yes	Both	30	No
	0		\$35.00 Y							
	+		\$0.00							
S3	(B,C,G)CHURCH,GAS STA'	Yes	1	L	No	No	Yes	Both	30	No
	0		\$47.00 Y							
	+		\$0.00							
S5	(E,F)HOTEL,MOTEL,RES'	Yes	1	L	No	No	Yes	Both	30	No
	0		\$65.00 Y							
	+		\$0.00							
S6	COMBINATION DWELLIN	Yes	1	L	No	No	Yes	Both	30	No

Code	Description	First Is Min	Round To	Chop	Averaging	Accum. Usage	Prorate	Status	Days	Over
	0		\$47.00 Y							
	+		\$0.00							
S7	INSTITUTIONAL	Yes	1	L	No	No	No			No
	0		\$2.00							
	+		\$0.00							
S8	INDUSTRIAL	Yes	1	L	No	No	Yes	Both	30	No
	2,000		\$47.00 Y							
	+		\$5.00							

THE REGULAR MONTHLY MEETING WAS HELD BY THE VIRTUAL MEETING ZOOM PLATFORM ON WEDNESDAY, DECEMBER 16, 2020. PRESENT WERE MR. KAVITSKI, MR. FISHER, MR. THOMAS, THE TECHNICAL MANAGER, THE FOREMAN, THE ATTORNEY, THE ENGINEER AND THE SECRETARY.

SALUTE TO THE FLAG AND MOMENT OF SILENCE

Moment of silence for all suffering from COVID and the people who are helping take care of them. Wishing good luck with the vaccine.

CITIZENS PARTICIPATION

No citizens participated in the meeting.

RESIGNATION OF RICHARD LINDSEY

Mr. Fisher made the motion to accept and Mr. Thomas second. Vote 3-0. (Reference 2282-A).

APPROVE NOVEMBER MINUTES

Mr. Thomas made the motion and Mr. Kavitski second. Vote 3-0.

APPROVE NOVEMBER PAID INVOICES

Mr. Thomas made a motion to approve the November paid invoices for the Water Division totaling \$ 99,931.40 and the Sewer Division invoices totaling \$ 115,131.37 and Mr. Fisher second. Vote 3-0. (Reference 2282-B).

CURRENT INVOICES

Mr. Fisher made a motion to approve payment of the current Water Division invoices totaling \$ 59,058.52, the Sewer Division invoices totaling \$ 44,531.72 and the Sandy Run invoices totaling \$ 213.03 and Mr. Kavitski second. Vote 3-0. (Reference 2282-C).

FINANCIAL STATUS

The Secretary reviewed the Financial Status as outlined in Reference 2282-D.

SEWER AND WATER DIVISIONS

See Engineering Report Reference 2282-E.

The Water Project is 100% complete. Ms. Albert of Borton Lawson Engineering stated outstanding O & M Manuals are needed for close out documents. RTU drawings need to be the installed version of the drawings, which needs to be verified.

11 Month Warranty Inspection needs to be completed in February of 2021. Ms. Albert will coordinate with everyone for a date to be announced.

Ms. Albert of Borton Lawson stated she requested a quote from Hayden on November 19th for the MegAlert Motor Guards, which she has not received. Another quote was also requested from Albarell Electric on December 15th.

Well 10 problems with the RTU panel continue stated Chuck Madison, Technical Manager. At the moment, FMA is thinking a short due to the alarm on the panel. Hayden needs to look into this matter. FMA has reached out to Wolf Slayer because they installed the RTU's.

Mr. Kavitski wants Hayden to do the work with someone from FMA overseeing the situation. Hayden brought North End Electric in the last time and they are not the ones who did the installation.

Industrial Pretreatment – Ms. Albert stated Citterio High Strength Surcharge for October & November were sent to the Authority today via e-mail. PGA High Strength Surcharge for the Oct 10 through November 12 was also sent via email to the Authority today.

POTW Pretreatment Program Development & Implementation – Ms. Albert of Borton Lawson discussed sampling station information along with diagrams of placement areas. Will need to investigate PGA to be sure all sewer discharge areas are uncovered. Possible dye testing in the Spring. Set-up meeting with Mr. Anthony of PGA or if possible, check with Dollar General to see if sampling station could be placed behind their building.

NPDES Permit Renewal for WWTP – Application due no later than April 3, 2021. The application fee is \$5000.00 to PADEP. Sampling requirements are 1 round of influent and 3 rounds of effluent. FMA staff is gathering all sample test results and forwarding information to Ms. Albert of Borton Lawson.

Chuck Madison inquired about SRBC Application and Ms. Albert stated that application is not due at this time. Ms. Albert stated a copy of the entire PA DEP application must go to SRBC for their review.

Mr. Kavitski informed the Board the paperwork for the Bid for the Foster Township West End Sewer System was submitted. Foster Township Supervisors sent a letter dated December 3, 2020, stating stipulations for the bids, and wanted Best and Final Offers by December 15, 2020. The Authority has sent a letter back to Foster Township Supervisors stating FMA's Best and Final Offer was submitted on November 25, 2020. Foster Township then extended the Best and Final Offers to January 20, 2021 via email. (Reference 2283-A).

Mr. Thomas made the motion for a Sewer Rate Increase of \$2.50 to take effect on the February Bill in 2021 and Mr. Fisher second. Vote 3-0.

Citterio Pump Station & Pre-Treatment Plant was discussed. Mr. Augustine from Citterio was at the Authority to go over the expansion project. Mr. Augustine inquired if the Authority would be interested in their Pump Station and Pre-Treatment Plant.

Mr. Thomas stated the Authority should have a discussion with Citterio to get the details because they are many unanswered questions. Chuck Madison will contact Mr. Augustine after the holidays to set-up a meeting.

BORTON LAWSON INVOICE

Mr. Kavitski made the motion to pay Borton Lawson Invoice dated 11/24/2020 #2016-2285-002-0000036 for \$ 2000.00 and Mr. Fisher second. Vote 3-0. (Reference 2283-B).

ATTORNEY REPORT

Attorney Fagan stated this month revolved around the Foster Township West End Sewer System Bid. He received, prior to the start of the meeting, a lease agreement from Luzerne County 911, which he will look at prior to the Authority signing.

MANAGER REPORT

Replaced sewer screens & brushes at WTP – Done by employees
Flagpole installed.
Birkbeck & Johnson Street-Main break repaired-Permanent repair will be done at a later date.
Well House #10 painted and currently painting Well House #4.
Employees being trained on backhoe and skid steer equipment.
Ryan Smith, Foreman, has developed an Employee Training list.

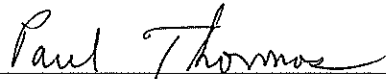
OPEN/OTHER ACTIONS

The Meeting Calendar for 2021 was approved by the entire Board. No changes to the meeting dates or times. (Reference 2283-C).

ADJOURN

Mr. Thomas made the motion to adjourn the meeting and Mr. Fisher second. Vote 3-0.

These minutes are certified true and correct to the best of my knowledge.



Paul Thomas, Secretary



Carlene Troell, Non-Member Secretary

Pennsylvania-American Water Company's Responses to
the Bureau of Technical Utility Services
Water/Wastewater Division
Data Request Set 1

Docket No. A-2021-3028676

Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

A-32. On October 12, 2021, the Authority filed a letter with the Commission indicating the United States Environmental Protection Agency (EPA) mandated the Authority, Freeland, Foster and Butler adopt the same Industrial Pretreatment Program (IPP) ordinance. Please provide a copy of any correspondence from the EPA which indicates a requirement that Foster adopt an updated IPP ordinance. If the EPA is requiring Foster adopt an updated IPP ordinance, please provide an amendment to the Application's Appendix T replacing Foster's Ordinance No. 2 of 2013 with an ordinance that complies with any EPA requirements.

Original Response:

This letter was requested from the Authority, but it has not yet been provided to Foster or PAWC. PAWC will supplement this response upon receipt of the letter. Foster is currently reviewing its options with regards to an updated Ordinance.

Revised Response:

Please see TUS-A-32_Attachments 1 and 2. Foster Township will be advertising the attached ordinance, TUS-A-32_Attachment 2, at its February 9, 2022 Board of Supervisors meeting for adoption at its March 9, 2022 meeting.

Name: Michael Salvo
Title: Senior Manager, Business Development

Carlene Troell

From: Ferdik, Christopher <cferdik@hrg-inc.com>
Sent: Thursday, December 30, 2021 1:55 PM
To: Carlene Troell
Cc: Fox, Joshua; rdkeng@ptd.net; Nick Haros; pjfagan; beachit1992@gmail.com
Subject: FW: Freeland Township MA Program approval
Attachments: Intermunicipal Agreements_1999_2010.pdf; FW: Borough of Freeland Municipal Authority (Pretreatment Program)

Importance: High

Good afternoon Carlene,

Please see the below clarifying statement issued by Ryan Shuart of EPA Region 3. I spoke with Mr. Shuart on the phone today, and he reinforced that per 40 CFR 403.8(f)(1) i.e., the Federal Pretreatment Regulations, POTWs with approved programs are required to be able to operate their pretreatment program (pursuant to legal authority enforceable in Federal, State or local courts) throughout their entire service area.

Please also be advised that the attached Intermunicipal Agreement made between the Authority, Freeland Borough, and Foster Township (adopted December 8, 1999; last amended January 14, 2010) contains a clause under Paragraph 9 (Industrial Waste) which states: *"Township agrees to promulgate, enact and enforce any resolutions, ordinances and rules and regulations governing acceptance of wastewater standards that are identical to those governing customers of Authority and Borough."*

Please further refer to the attached email from past correspondence with EPA Region 3, which includes:

1. February 21, 2018 correspondence from EPA Region 3 to Borton-Lawson, indicating that EPA had reviewed the "Authority's" Ordinance No. 4-1-1 of 2013 (which is the current Sewer Use Ordinance for Freeland Borough); generally found this Ordinance to be acceptable; and provided minor comments/requirements for modification. It is generally understood from EPA's phrasing in this email correspondence, that EPA considers the above-referenced Ordinance for Freeland Borough to be the guiding Industrial Pretreatment Program (IPP) Ordinance for the applicable FMA Sewer Service Area spanning Freeland Borough, Foster Township, and Butler Township.
2. The associated Program Review Checklist, supplied by EPA Region 3 to Borton-Lawson in correspondence dated April 17, 2019 indicates on Page 12 of 15, under **Part VII. Noncompliance Investigations and Enforcement (Continued)**: *Does the POTW's ordinance provide sufficient range of enforcement responses? Are the enforcement responses in the ordinance consistent with those in the enforcement response plan?* It is generally understood that EPA's reference in their Program Review Checklist to the "POTW's ordinance" refers to the representative "Authority's" Ordinance No. 4-1-1 of 2013 (which is the current Sewer Use Ordinance for Freeland Borough), and which was reviewed by EPA Region 3 in 2018.

The implicit significance here, is that the Freeland Municipal Authority is required by law to be able to adequately operate its pretreatment program across its service area; and is supported by enabling legal authority.

Sincerely,
Chris

Christopher J. Ferdik, P.E.
Project Engineer

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ENR Mid-Atlantic Design Firm of the Year 2021

From: Shuart, Ryan <shuart.ryan@epa.gov>
Sent: Thursday, December 30, 2021 11:59 AM
To: Ferdik, Christopher <cferdik@hrg-inc.com>
Subject: RE: Freeland Township MA Program approval

This message originated from outside your organization

Chris:

40 CFR 403.8(f)(1) requires POTWs with an approved program to be able to operate its pretreatment program throughout its service area.

40 CFR 403.8(f)(1)

(1) **Legal authority.** The POTW shall operate pursuant to legal authority enforceable in Federal, State or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of sections 307 (b) and (c), and 402(b)(8) of the Act and any regulations implementing those sections. Such authority may be contained in a statute, ordinance, or series of contracts or joint powers agreements which the POTW is authorized to enact, enter into or implement, and which are authorized by State law. At a minimum, this legal authority shall enable the POTW to:

(i) Deny or condition new or increased contributions of pollutants, or changes in the nature of pollutants, to the POTW by Industrial Users where such contributions do not meet applicable Pretreatment Standards and Requirements or where such contributions would cause the POTW to violate its NPDES permit;

(ii) Require compliance with applicable Pretreatment Standards and Requirements by Industrial Users;

(iii) Control through Permit, order, or similar means, the contribution to the POTW by each Industrial User to ensure compliance with applicable Pretreatment Standards and Requirements. In the case of Industrial Users identified as significant under § 403.3(v), this control shall be achieved through individual permits or equivalent individual control mechanisms issued to each such User except as follows.

Best,

Ryan Shuart
Permits Section
Phone: 215.814.2714

TOWNSHIP OF FOSTER

LUZERNE COUNTY, PENNSYLVANIA

ORDINANCE NUMBER _____ of 2022

***ESTABLISHING AN
INDUSTRIAL PRETREATMENT PROGRAM AND
OTHER RULES CONTROLLING DISCHARGES
TO THE SEWER SYSTEM***

Adopted:

Effective: _____, 2022

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TOWNSHIP OF FOSTER
Luzerne County, Pennsylvania

Ordinance Number of 2022

AN ORDINANCE OF THE TOWNSHIP SUPERVISORS OF THE TOWNSHIP OF FOSTER, LUZERNE COUNTY, PENNSYLVANIA, ESTABLISHING AN INDUSTRIAL PRETREATMENT PROGRAM AND PROVIDING REGULATIONS LIMITING AND CONTROLLING THE QUALITY OF WASTEWATER DISCHARGED INTO THE PUBLIC SEWAGE SYSTEM, DEFINING CERTAIN WORDS AND PHRASES, PROVIDING PROCEDURES AND SYSTEMS FOR THE ADMINISTRATION OF THE PROGRAM, CREATING ENFORCEMENT PROCEDURES FOR VIOLATION OF THE PROGRAM AND ITS REGULATIONS, ESTABLISHING TECHNICAL REQUIREMENTS AND PROHIBITIONS ON DISCHARGES, PROVIDING FOR THE SETTING OF CERTAIN FEES, PROVIDING FOR THE EFFECTIVENESS OF THIS ORDINANCE, PROVIDING FOR THE SEVERABILITY OF PROVISIONS HEREOF, AND PROVIDING FOR REPEAL OF ALL INCONSISTENT ORDINANCES OR PARTS OF ORDINANCES.

The Township Supervisors of the Township of Foster, Luzerne County, Pennsylvania, enacts and ordains as follows:

ARTICLE I – PURPOSE AND POLICY

Section 1.01 Purpose:

This Ordinance sets forth the following uniform requirements for Users of the Sewer System and enables the Township to regulate the use of the Sewer System and to comply with the requirements of the Clean Water Act and other applicable State and Federal laws and regulations:

- A. Requirements regulating the introduction of Wastewater into the Sewer System by all Users,
- B. Establishing an Industrial Pretreatment Program to monitor and control the Discharge of Industrial Wastes.

Section 1.02 Objectives

The objectives of this Ordinance are:

- A. To prevent the introduction of Pollutants into the Sewer System that will cause Interference, increase the difficulty or costs of operation of the Collection System

or the Sewage Treatment Plant, or reduce the efficiency or effectiveness of the Collection System or Sewage Treatment Plant;

- B. To prevent Pass Through of Pollutants, inadequately treated, to the environment;
- C. To protect workers and the general public from exposure to toxic or other dangerous substances;
- D. To protect the Sewer System from damage;
- E. To improve the opportunity to recycle or reclaim wastewater or sludge;
- F. To provide for the equitable distribution of the cost of the operation, administration and enforcement of the Industrial Pretreatment Program; and
- G. To enable the Township and the Borough of Freeland Municipal Authority to comply with all applicable State and Federal laws rules and regulations, including NPDES permit conditions, sludge use and disposal requirements, air quality standards, and water quality standards.
- H. To comply with the requirements of Agreements and Amendments to Agreements between the Township and the Borough of Freeland Municipal Authority in which the Township covenants to adopt and enforce an ordinance establishing an Industrial Pretreatment Program and designating the Authority as an agent of the Township for the purposes of administering the provisions of the ordinance.

ARTICLE II - DEFINITIONS

Section 2.01 As used in this Ordinance, the following words, terms and phrases will hereinafter have the meanings set forth in this section, unless the context clearly requires a different meaning:

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

Approval Authority. The Regional Administrator of Region III of the EPA.

Authority. Control Authority.

Authorized Representative of Industrial User. An Authorized Representative of an Industrial User may be: (1) A principal executive officer of at least the level of vice-president, if the Industrial User is a corporation; (2) A general partner or proprietor if the Industrial User is a partnership or proprietorship, respectively; (3) 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; (4) A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the Discharge originates.

Best Management Practices (BMPs). Schedule of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 3.02 Prohibited Discharges. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

Biochemical Oxygen Demand (BOD). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure, five (5) days at 20° centigrade expressed in terms of weight and concentration (milligrams per liter (mg/L)).

Building Sewer. A Sewer conveying Wastewater from the premises of a User to the Sewer System.

Bypass. The intentional diversion of Wastewater from any portion of an Industrial User's Pretreatment facility through which the Wastewater normally passes.

Categorical Industrial User. An Industrial User subject to Categorical Standards.

Categorical Standards. National Categorical Pretreatment Standards.

Certified Professional. A registered professional engineer under the laws of the State.

Chain of Custody. 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 including the laboratory Person who takes final possession of the sample for the purpose of analysis.

Clean Streams Law. 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. Sections 691.1 to 691.702.

Color. Color of light transmitted through a waste after removal of all suspended matter, including pseudo-colloidal particles, and measured in platinum-cobalt units.

Combined Waste Formula. A procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.6(e).

Compliance. Adherence to conditions or requirements of this Ordinance, any written directions issued by the Township, or any Wastewater Discharge Permit or other permit issued under the provisions of this Ordinance.

Composite Sample. A sample composed of individual subsamples taken at regular intervals over a specified period of time. Subsamples may be proportioned by time interval or size according to flow (Flow-proportioned Composite Sample), or be of equal size and taken at equal time intervals (Equal-time Composite Sample).

Contributing Municipality or Utility. Any of the municipalities or public utilities party to a service agreement with the Authority, including the Borough of Freeland, Foster Township and Butler Township, and such other municipalities and public utilities incorporated under the laws of the State which may enter into or be assigned a similar agreement with the Authority.

Control Authority. The Borough of Freeland Municipal Authority, a Pennsylvania municipal authority incorporated, organized and existing under provisions of the Pennsylvania Municipal Authorities Act of 1945, approved May 2, 1945, P.L. 382, as amended and supplemented.

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

Discharge. The conveyance of any water or Wastewater into the Sewer System.

Domestic Wastes. Normal household wastes from kitchens, water closets, lavatories and laundries, or any waste from a similar source and possessing the same characteristics.

Enforcement Response Plan. A plan and guide developed pursuant to 40 CFR §403.8(f)(5) providing for the enforcement of the Industrial Pretreatment Program.

EPA. The U. S. Environmental Protection Agency, or where appropriate the term may also be used as a designation for the Administrator or other duly authorized official of said agency.

Garbage. Solid or semi-solid wastes resulting from preparation, cooking, and dispensing of food, and from handling storage and sale of produce.

Grab Sample. A sample which is taken from a waste stream on a one-time basis with no regard to the flow in the waste stream and without consideration of time.

General Permit. A control mechanism issued to more than one Significant Industrial User. Facilities covered under a general permit must have certain similar characteristics as described in Section 5.02(B).

Groundwater. Water which is contained in or passing through the ground.

Holding Tank Waste. Any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Industrial Pretreatment Program. The sum of the provisions of this Ordinance, amendments thereto, and any activities authorized by this Ordinance as regards the regulation and control of Industrial Users.

Interference. A Discharge which, alone or in conjunction with Discharges from other sources:

1. Inhibits or disrupts the processes or operations of the Sewage Treatment Plant or the Sewage Collection System, or sludge processes, use or disposal; or
2. Is a cause of a violation of any requirement of the Authority's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder (or more stringent State or local regulations): Article 405 of the Clean Water Act, the Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA), and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA), the Clean Air Act, the Toxics Substances Control Act, and the Marine Protection, Research and Sanctuaries Act; or which results

in or increases the severity of a violation of other State or National environmental statutes, rules or regulations.

Industrial User. Any Person who Discharges Industrial Waste into the Sewer System.

Industrial Waste. Any solid, liquid or gaseous substance, or form of energy, which is produced as a result, whether directly or indirectly, of any industrial, manufacturing, trade or business process or activity, or in the course of developing, recovering or processing of natural resources; but not Sanitary Sewage.

Local Limits. Numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged, or likely to be discharged, by Industrial Users, and which are developed by the Township.

Manhole. A structure allowing access from the surface of the ground to a Sewer.

Mg/L. Milligrams per liter; a measure of concentration of water borne substances.

Middle Tier Categorical Industrial User. A Categorical Industrial User that meets the following conditions as determined by the Township and as listed in Schedule 2 attached hereto and incorporated into this Ordinance and Amendments thereto: 1) Categorical wastewater flow does not exceed a) 0.01% of the design dry weather hydraulic capacity of the POTW, or 5,000 gpd, whichever is smaller, b) 0.01% of the design dry weather organic treatment capacity of the POTW, and c) 0.01% of the maximum allowable headworks loading for any pollutant regulated by the applicable categorical Pretreatment Standard for which approved local limits were developed; 2) has not been in significant noncompliance for any time in the past two years; and 3) does not have daily flow rates, production levels, or pollutant levels that vary so significantly that decreasing the reporting requirement for this Industrial User would result in data that are not representative of conditions occurring during the reporting period.

Monthly Average. The arithmetic mean of all daily determinations of concentration made during a calendar month.

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

NPDES Permit. A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342).

Net/Gross calculation. A procedure for calculating discharge concentrations of constituents of Industrial Waste, as defined in 40 CFR §403.15.

New Source. Any building, structure, facility, or installation for which there is or may be a Discharge of Pollutants, the construction of which commenced after the publication of proposed Categorical Standards under Section 307 (c) of the Act which will be applicable to such source if such Categorical Standards are thereafter promulgated in accordance with that Section. Determination of the applicability of New Source standards shall be made as provided in the Act and 40 CFR, §403.3.

Noncompliance. Not in Compliance.

Non-Significant Categorical Industrial User (NSCIU). A Categorical Industrial User that meets the following conditions as determined by the Township: 1) never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, non-contact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard), 2) has consistently complied with all applicable categorical Pretreatment Standards and Requirements, 3) never discharges any untreated concentrated wastewater, and 4) annually submits a certification statement stating that the facility met the definition of an NSCIU together with any additional information necessary to support the certification statement.

Operator. Any Person having charge, care, control or management of a Pretreatment facility for Industrial Wastes or of a truck or trucks used in the removal, transport or disposal of Sewage or Industrial Wastes.

Owner. Any Person vested with ownership, legal or equitable, sole or partial, of an improved property.

Pass Through. Discharge of Pollutants to the Waters of the State either untreated or insufficiently treated, whether alone or in conjunction with a Discharge or Discharges from othersources, so as to cause Pollution or a violation of the Authority's NPDES permit, or causes or contributes to an increase in the magnitude or duration of such Pollution or violation; 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, or which causes or contributes to an increase in the magnitude or duration of such Pollution, harm or violation.

Person. Any individual, partnership, copartnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine, the singular shall include the plural where indicated by the context.

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

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

Pollution. The contamination of any Waters of the State such as will create or is likely to create a nuisance or to render such waters harmful, detrimental or injurious to public health, safety or welfare, or to domestic, municipal, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life; or contamination of the air, soil, or of the environment so as to produce or is likely to produce similar deleterious effects.

POTW. A publicly owned treatment works as defined by Section 212 of the Act (33 U.S.C. 1292). The term includes the Sewage Collection System, and the Sewage Treatment Plant.

Pretreatment. The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of Discharging or otherwise introducing such Pollutants into a Sewer System. The reduction or alteration can be obtained by physical, chemical or biological processes, or by mean's of other process changes except as prohibited by 40 CFR §403.6(d).

Pretreatment Coordinator. Agent of the Township designated to administer the provisions of the Industrial Pretreatment Program.

Pretreatment Requirements. Any substantive or procedural requirement, other than a Categorical Standard, imposed on an Industrial User by Section 303(b) and (c) of the Act, the State or the Industrial Pretreatment Program.

Process Wastewater. 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.

Prohibited Discharge. Any Discharge which is prohibited under Section 3.02 of this Ordinance.

Prohibitive Discharge Standard. Any regulation developed under Section 307(b) and (c) of the Act (33 USC 1317) and 40 CFR, §403.5.

Qualified Analyst. Any Person who has demonstrated competency in the analysis of Wastewater by submission of their generally recognized documentation of competency to the Township.

Refrigeration. Maintenance of temperature for storage, preservation of food, or as a process of manufacturing.

Sanitary Sewage. The normal water-carried Domestic Wastes from any improved property, but excluding: effluent from septic tanks or cesspools; rain, snow or stormwater; groundwater; or other collected water from roofs, drains or basements.

Sanitary Sewer. A Sewer carrying only Sanitary Sewage or Industrial Wastes, and to which storm, surface or ground waters are not intentionally admitted.

Sewage Collection System. All facilities of the Authority or any municipality party or public utility to a service agreement with the Authority, as of any particular time, used or usable for collecting, transporting, pumping and disposing of Wastewater, which facilities are connected to and served by the Sewage Treatment Plant. The Sewage Collection System includes, but is not necessarily limited to those facilities owned or operated by the Borough of Freeland Municipal Authority, Foster Township, and Butler Township, or any other Contributing Municipality or Utility.

Sewage Treatment Plant. That portion of the Sewer System owned and operated by the Authority, which is designed to provide treatment of Wastewater and discharge of treatedeffluent to the environment.

Sewer. A pipe or conduit for conveying Wastewater.

Sewer System. The Sewage Collection System, Sewage Treatment Plant, and any Sewers that convey Wastewater to the Sewage Treatment Plant. For the purposes of this Ordinance, "Sewer System" shall also include any sewers that convey Wastewater to the Sewage Treatment Plant from Persons who are, by contract or agreement with the Authority, Users of the Sewer System.

Shall is mandatory: **May** is permissive.

Significant Industrial User (SIU). An Industrial User who (1) has a discharge flow of 25,000 gallons or more of Process Wastewater per average work day; (2) discharges an organic load, in pounds of BOD per average work day, of 5% or more of the average daily organic loading of the Sewage Treatment Plant; (3) is regulated by Categorical Standards, except in cases where the Township determines that an Industrial User is a Non-Significant Categorical Industrial User (NSCIU); or (4) is determined by the Township to have the potential of adversely affecting the operation of the POTW, causing Interference or Pass Through, or of violating any Pretreatment Requirement.

Significant Noncompliance (SNC). A Noncompliance which meets or exceeds standards of Significant Noncompliance determined by the Township and contained in Section 6.11 of this Ordinance.

Significant Violator. Any Industrial User in Significant Noncompliance.

Slug or Slug Load. Any Prohibited Discharge, or Discharge which could cause problems to the POTW.

Spill. Any non-routine episodic Discharge, including, but not limited to, accidental spills and leaks and non-customary batch Discharges, and including any Discharge resulting from control or cleanup activities associated with such an occurrence.

SPCC Plan. A spill prevention, control and countermeasure plan prepared by an Industrial User to minimize the likelihood and intensity of a Slug Load or Spill and to expedite control and cleanup activities should a Slug Load or Spill occur.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget, 1972.

Standard Methods. The latest edition of "Standard Methods for the Examination of Water and Wastewater," published by the Water Pollution Control Federation, the American Public Health Association and the American Waterworks Association.

State. Commonwealth of Pennsylvania.

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

Suspended Solids. The total suspended matter that floats on the surface of, or is suspended in, water, Wastewater or other liquids, and which is removable by laboratory filtering.

Superintendent. The Person designated by the Authority to supervise the operation of the Sewage Treatment Plant and monitor flows in the Sewage Collection System, including Authority Management, or The Authority's duly authorized representative.

Total Solids. The sum of the dissolved and undissolved solid constituents of water or Wastewater.

Total Toxic Organics. The sum of all quantifiable values of various organic pollutants as determined by the Township or, for certain Categorical Industrial Users, as defined in the applicable Categorical Standard.

Township. The Township of Foster, Luzerne County, Pennsylvania, a municipal corporation existing under the laws of the Commonwealth of Pennsylvania, and the Township Supervisors thereof, its agents and officials.

Toxic Organic Management Plan. A plan submitted in lieu of testing for Total Toxic Organics in which an Industrial User specifies methods of control to assure that Total Toxic Organics do not routinely enter the Sewer System.

Toxic Pollutants. Any Pollutant or combination of Pollutants listed as toxic in regulations promulgated by the Administrator of the Environmental Protection Agency under the 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 of causing Interference or Pass Through, causing harm to humans, animals or plants, or creating a hazard to Persons or property, either in the Sewage Collection System, the Sewage Treatment Plant, or the environment into which it is released.

Unauthorized Discharge. 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 the Township.

Unauthorized Waste. Any substance which is Discharged into the Sewage Collection System which is not in compliance with the provisions of the Industrial Pretreatment Program, or which is Discharged by a Person in violation of any of the provisions of this Ordinance.

User. Any Person who contributes, causes or permits the Discharge of Wastewater into the Sewer System.

Wastewater. Industrial Wastes or Domestic Wastes from dwellings, commercial buildings, industrial facilities, and institutions, 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. All streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or underground, natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Wastewater Discharge Permit. As set forth in Article V of this Ordinance.

ARTICLE III - PROHIBITED WASTES AND POLLUTANT LIMITATIONS

Section 3.01 Discharge of Stormwaters

No Person shall Discharge or cause or permit to be Discharged any stormwater, surface water, groundwater, roofwater, subsurface drainage, or building foundation drainage into any Sanitary Sewer.

Section 3.02 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. A User may not Discharge the following substances to the Sewer System:

A. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the Sewer System or to the operation of the Sewer System. At no time, shall two successive readings on an explosion hazard meter, at the point of discharge into the system (or at any point in the system) be more than five percent (5%) nor any single reading over ten percent (10%) of the Lower Explosive Limit (LEL) of the meter. At no time shall the closed cup flashpoint of the Wastewater be less than 140 degrees Fahrenheit. 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.

B. Solid 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 guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, spent grains, spent hops, waste paper, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

C. Any Wastewater having a pH less than 6.0 or higher than 9.0, or Wastewater having any other corrosive property capable of causing damage or hazard to structures, equipment, and/or personnel of the Sewer System.

D. 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.

- E. 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.
- F. 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.
- G. Any petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin in amounts that will cause Interference or Pass Through, but in no case exceeding 30 mg/L in any composite sample or 50 mg/L in any grab sample.
- H. Fats, oils, greases or waxes of animal or vegetable origin in amounts which cause Interference with the POTW, including but not limited to physical obstruction of Sewers.
- I. 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 scums, 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 developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- J. Any substance which will cause the Authority to violate its NPDES and/or State Collection System Permit or applicable receiving water quality standards.
- K. Any Wastewater with objectionable color which will Pass Through the Treatment Plant, such as, but not limited to, dye wastes and vegetable tanning solutions.
- L. 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 40° C (104° F).
- M. 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 interfere with the operation of the Sewer System. BOD in excess of 250mg/l in a composite sample, and 500 mg/l in any grab sample is prohibited. In no case shall a Slug Load be discharged.
- N. Any Wastewater containing any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Township or applicable State or Federal regulations.
- O. Any trucked or hauled Wastewater or Pollutants except those discharged at points designated by the Authority.

P. Any Wastewater which is incompatible with treatment processes in use at the Sewage Treatment Plant so as to cause Interference or Pass Through.

Q. Any Wastewater containing any compounds or salts of aldrin, dieldrin, endrin, lindane, methoxychlor, toxaphene, dichlorophenoxyacetic acid, trichlorophenoxypropionic acid, or other persistent herbicides, pesticides or rodenticides.

Section 3.03 Unauthorized Discharges

Discharge of any prohibited substance listed under Section 3.02 shall be considered an Unauthorized Discharge and the Township may take whatever steps are necessary to halt such a discharge, as set forth in Articles VI and VII of this Ordinance.

Section 3.04 Categorical Standards

A. If the Categorical Standards for a particular Industrial User are more stringent than Local Limits or other requirements imposed under this Ordinance, then the Categorical Standards shall apply. The Township 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 the Industrial Pretreatment Program as program requirements for those Industrial Users subject to such Categorical Standards.

B. When the limits in a Categorical Pretreatment Standard are expressed only in terms of pollutant concentrations, the Township may implement the limits as equivalent mass limits. An Industrial User may request equivalent mass limits from the Township in writing. Upon receiving such a request the Township will determine if the Industrial User meets the eligibility criteria for mass limits as listed in Sections 3.04(B)(1)(a) through 3.04(B)(1)(e) below. The Township may determine that an Industrial User meets the criteria, but choose not to implement the limits as equivalent mass requirements based on other considerations.

1. To be eligible for equivalent mass limits, the Industrial User must:

(a) Employ, or demonstrate that it will employ, water conservation methods and technologies that substantially reduce water use during the term of its control mechanism;

(b) Currently use control and treatment technologies adequate to achieve compliance with the applicable Categorical Pretreatment Standard, and not have used dilution as a substitute for treatment;

(c) Provide sufficient information to establish the facility's actual average daily flow rate for all wastestreams, based on data from a continuous effluent flow monitoring device, as well as the facility's long-term average production rate. Both the actual average daily flow rate and long-term average production rate must be representative of current operating conditions;

(d) Not have daily flow rates, production levels, or pollutant levels that vary so significantly that equivalent mass limits are not appropriate to control the Discharge; and

(e) Have consistently complied with all applicable Categorical Pretreatment Standards during the period prior to the Industrial User's request for equivalent mass limits.

2. An Industrial User subject to equivalent mass limits must:

(a) Maintain and effectively operate control and treatment technologies adequate to achieve compliance with the equivalent mass limits;

(b) Continue to record the facility's flow rates through the use of a continuous effluent flow monitoring device;

(c) Continue to record the facility's production rates and notify the Control Authority whenever production rates are expected to vary by more than 20 percent from its baseline production rates determined in paragraph (1)(c) of this section. Upon notification of a revised production rate, the Control Authority must reassess the equivalent mass limit and revise the limit as necessary to reflect changed conditions at the facility; and

(d) Continue to employ the same or comparable water conservation methods and technologies as those implemented pursuant to paragraph (1)(a) of this section so long as it discharges under an equivalent mass limit.

3. When establishing equivalent mass limits, the Township:

(a) Will calculate the equivalent mass limit by multiplying the actual average daily flow rate of the regulated process(es) of the Industrial User by the concentration-based daily maximum and monthly average Standard for the applicable Categorical Pretreatment Standard and the appropriate unit conversion factor;

(b) Will, upon notification of a revised production rate, reassess the equivalent mass limit and recalculate the limit as necessary to reflect changed conditions at the facility; and

(c) May retain the same equivalent mass limit in subsequent control mechanism terms if the Industrial User's actual average daily flow rate was reduced solely as a result of the implementation of water conservation methods and technologies, and the actual average daily flow rates used in the original calculation of the equivalent mass limit were not based on the use of dilution as a substitute for treatment pursuant to Section 3.08. The Industrial User must also be in compliance with Section 3.15 (regarding the prohibition of bypass).

Section 3.05 Removal Credits

Where the Sewage Treatment Plant achieves consistent removal of Pollutants limited by Categorical Standards, the Township may apply to the Approval Authority for modification of specific limits in the Categorical Standards. If the requirements contained in 40 CFR, §403.7, are fulfilled and prior approval from the Approval Authority is obtained, the Township may then modify Pollutant discharge limits in the Categorical Standards.

Section 3.06 State Requirements

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those established under this Ordinance.

Section 3.07 Local Limits

The Township may establish Local Limits regulating the Discharge of specific Pollutants by Industrial Users.

- A. Local Limits may be established for any substance which is Discharged, or is likely to be Discharged, to the Sewer System.
- B. Local Limits may limit concentration, mass, or a combination of the two.
- C. The procedure for the calculation of Local Limits should be as recommended by the Approval Authority. Whenever possible, the calculation of Local Limits shall be technically based, using all available information.
- D. 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 Sewer System.
- E. Local Limits shall be applied to all Significant Industrial Users and shall be included in all Wastewater Discharge Permits. Local Limits may be applied to other Industrial Users if deemed appropriate by the Township.
- F. 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 herein.

Section 3.08 Prohibition on Dilution

No Industrial User 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, or in any other pollutant-specific limitation, including Local Limits, developed by the Township or State.

Section 3.09 Slug Loads and Spills

Each Industrial User shall provide protection from Spills or accidental Discharges that result in Unauthorized Discharges or Slug Load Discharges. Facilities to prevent Spills and Slug Loads shall be provided and maintained at the Owner or Industrial User's own cost and expense.

A. Notification

- 1. In the case of a Spill or Slug Load or other Unauthorized Discharge, it is the responsibility of the Industrial User to immediately telephone and notify the Superintendent of the incident. The notification shall include location of Discharge, type of waste, concentration and volume, corrective actions being taken or planned, and expected duration.

2. In the event a change is made at a facility that affects the potential for discharge of a Spill or Slug Load, or other Unauthorized Discharge the Industrial User shall immediately notify the Township of the change.

B. **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 Unauthorized Discharge. Employers shall insure that all employees who may cause or suffer such a Discharge to occur are advised of the emergency notification procedure.

C. **Written Notice** Within five (5) days following a Spill, Slug Load, or other Unauthorized Discharge, the Industrial User shall submit to the Township 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 this Ordinance or applicable law.

D. **SPCC Plans** All existing Significant Industrial Users shall complete and obtain approval of a Spill Prevention Control and Countermeasure (SPCC) Plan, or provide acceptable evidence that such a Plan is not necessary for their facility. No Significant Industrial User who commences Discharge to the Sewer System after the effective date of this Ordinance shall be permitted to introduce Pollutants into the Sewer System until this requirement has been fulfilled. Industrial Users other than Significant Industrial Users may be required to submit a SPCC Plan at the discretion of the Township. Such Plans shall, at a minimum, contain the elements specified in 40 CFR §403.8(f)(2)(v)(A)-(D). SPCC Plans shall be submitted to the Township for review, and shall be approved by the Township before implementation of the Plan or construction of any required facilities. Review and approval of such Plans, facilities and operating procedures by the Township shall not relieve the Industrial User from the responsibility to modify its facility as necessary to meet the requirements of the Industrial Pretreatment Program.

Section 3.10 Drainage of Water Filtration Systems

Discharge of filter backwash water to the Sewer System shall be regulated as follows:

A. Granular media filter backwash water may be Discharged to the Sewer System, subject to all of the applicable provisions of this Ordinance.

B. 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, which tanks shall be accessible for removing solid waste for disposal.

Section 3.11 Trucked and Hauled Wastes

- A. Discharge of trucked or hauled wastes shall be made at a point designated by the Authority.
- B. Such wastes shall conform to all requirements of the Industrial Pretreatment Program regarding Prohibited Discharges, regulated characteristics, Local Limits, or other requirements as to nature and concentration.
- C. No trucked or hauled wastes shall be Discharged except as specifically approved by the Authority. The Township and/or Authority may require testing, reporting, or other specific information to be presented by the Operator or Owner prior to Discharge.
- D. In order to implement the provisions of paragraph C of this Section, the Township and/or Authority 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.

Section 3.12 Grease and Sand traps

Grease, oil and sand interceptors or traps shall be provided by a User when the Township 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.

Section 3.13 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 permission for such use has been obtained from the Township.

Section 3.14 Notification Requirements - Hazardous Wastes and Hazardous Substances

- A. All Industrial Users shall notify the Township, the EPA Regional Waste Management Division Director, and the Pennsylvania Department of Environmental Protection, Bureau of Waste Management, in writing, of any discharge into the POTW of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Such notification shall include the name of the hazardous waste, as set forth in 40 CFR part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the Industrial User discharges more than 100 kilograms of such waste per calendar month, the notification shall also include the following information, to the extent that it is known and readily available to the Industrial User:
 - 1. An identification of the hazardous constituents contained in the waste;

2. An estimation of the mass and concentration in the Wastewater of all such constituents discharged in the most recent month; and
 3. An estimate of the mass and concentration of such constituents expected to be discharged during the following twelve months.
- B. Industrial Users that commence discharge after the effective date of this Ordinance shall submit the report within 180 days of first discharge of the hazardous waste, except as provided in paragraph D of this Section.
- C. The required report need be submitted only once for each hazardous waste discharged. Industrial Users regulated under Categorical Standards which have already submitted such information in baseline monitoring reports or periodic compliance reports do not have to report this information again.
- D. Industrial Users that Discharge less than fifteen (15) kilograms of hazardous wastes in a calendar month do not have to comply with these reporting requirements. This exemption does not apply to acute hazardous wastes as specified in 40 CFR §261.30(d) and 261.33(e).
- E. An Industrial User shall notify the Township within 5 days of becoming aware of any Discharges of reportable quantities of listed or unlisted Hazardous Substances, as defined at 40 CFR § 302.4 (CERCLA Hazardous Substances). This notification shall include the time of release; the name of the substance; the identifying CAS number, if known; and the approximate quantity Discharged. If the Discharge constitutes a Spill, change in Wastewater constituents, or Slug Load, other reporting requirements of the Industrial Pretreatment Program may also apply.
- F. Each notification required by this section shall include a statement certifying that the Industrial User has a program in place to reduce the volume and/or toxicity of the Discharged wastes to the extent that it is economically practical. This statement shall be signed by the Authorized Representative of the Industrial User.

Section 3.15 Bypass

- A. Bypass is prohibited, and the Township may take enforcement action against an Industrial User for a bypass, unless;
1. Bypass was unavoidable to prevent loss of life, personal injury, or severe property damage. Severe property damage means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
 2. There were no feasible alternatives to the bypass, such as the use of auxiliary treatment facilities, retention of untreated wastes, or maintenance during normal periods of equipment downtime. This condition is not satisfied if adequate back-up equipment

should have been installed in the exercise of reasonable engineering judgment to prevent a bypass which occurred during normal periods of equipment downtime or preventative maintenance; and

3. The Industrial User submitted notices as required under paragraph (C) of this section.

B. An Industrial User may allow any bypass to occur which does not cause Pretreatment Standards or Requirements to be violated, but only if it also is for essential maintenance to assure efficient operation. These bypasses are not subject to the provisions of paragraphs (A), (C) and (D) of this section.

C. If an Industrial User knows in advance of the need for a bypass, it shall submit prior notice to the Township, if possible at least ten days before the date of the bypass. The Township may approve an anticipated bypass, after considering its adverse effects, if the Township determines that it will meet the three conditions listed in paragraphs (A)(1) through (A)(3) of this section.

D. An Industrial User shall submit oral notice of an unanticipated bypass that exceeds applicable Pretreatment Standards to the Township within 24 hours from the time the Industrial User becomes aware of the bypass. A written submission shall also be provided within 5 days of the time the Industrial User becomes aware of the bypass. The written submission shall contain a description of the bypass and its cause; the duration of the bypass, including exact dates and times, and, if the bypass has not been corrected, the anticipated time it is expected to continue; and steps taken or planned to reduce, eliminate, and prevent reoccurrence of the bypass. The Township may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

ARTICLE IV - FEES

Section 4.01 Purpose

It is the purpose of this section to provide for the recovery of costs from Industrial Users of the Sewer System for the implementation of the Industrial Pretreatment Program established herein. The applicable charges or fees shall be set forth in the Township's Schedule of Charges and Fees.

Section 4.02 Fees that may be Charged

The Township may adopt charges and fees which may include:

- A. Fees for reimbursement of costs of setting up and operating the Industrial Pretreatment Program;
- B. Fees for monitoring, inspections and surveillance procedures;
- C. Fees for reviewing accidental discharge procedures and construction;

- D. Fees for Wastewater Discharge Permit applications;
- E. Fees for filing appeals;
- F. Fees for consistent removal (by the Sewage Treatment Plant) of Pollutants otherwise subject to Categorical Standards; and
- G. Other fees as the Township may deem necessary to carry out the requirements contained herein, including surcharge fees for violation of permit limits.

These fees relate solely to the matters covered by this Ordinance and are separate from all other fees chargeable by the Township.

ARTICLE V - PERMITS AND REPORTS FOR INDUSTRIAL WASTE DISCHARGED INTO THE SEWER SYSTEM

Section 5.01 Requirement for Wastewater Discharge Permits

Discharge of any Industrial Waste to the Sewer System without a Wastewater Discharge Permit, except as authorized by the Township in accordance with the provisions of this Ordinance, is an Unauthorized Discharge and subject to the penalties provided herein.

Section 5.02 Significant Industrial Users

- A. All Significant Industrial Users, including those meeting the description of a Middle Tier Categorical Industrial User, proposing to connect to or to Discharge to the Sewer System shall obtain a Wastewater Discharge Permit before connecting to or Discharging to the Sewer System.
- B. At the discretion of the Township, General Permits may be available for groups of Significant Industrial Users. Upon review of an application for a new or renewal Wastewater Discharge Permit the Township may recommend that a Significant Industrial User be covered under a general permit. When applying for a new or renewed discharge permit, an industrial user may also request coverage under a general permit. To be eligible for coverage under a general permit the SIU must meet the following criteria, as determined by the Township, when compared with other facilities covered under the general permit:
 - 1. Involve the same or substantially similar types of operations;
 - 2. Discharge the same types of wastes;
 - 3. Require the same effluent limitations;
 - 4. Require the same or similar monitoring; and
 - 5. In the opinion of the Township, are more appropriately controlled under a general control mechanism than under individual control mechanisms.

C. The Township may not control a Significant Industrial User through a general control mechanism where the facility is subject to production-based Categorical Pretreatment Standards or Categorical Pretreatment Standards expressed as mass of pollutant discharged per day or for Industrial Users whose limits are based on the Combined Wastestream Formula or Net/Gross calculations.

Section 5.03 Other Industrial Users

Industrial Users which are not Significant Industrial Users do not require a Wastewater Discharge Permit, but are required to comply with all other provisions of this Ordinance. If an Industrial User makes changes to processes, flow, Wastewater concentration, Wastewater characteristics, or other changes which result in the Industrial User meeting the definition of Significant Industrial User, the Industrial User shall immediately upon becoming aware that such a change has occurred, or ninety (90) days prior to such a change if it is planned, notify the Township and apply for a Wastewater Discharge Permit.

Section 5.04 Permit Applications

Industrial Users required to obtain a Wastewater Discharge Permit shall complete and file with the Township, an application in the form prescribed by the Township, and accompanied by the fee prescribed in the Township's schedule of fees, at least 90 days prior to connecting to or Discharging to the Sewer System. In support of the application, the Industrial User shall submit, in units and terms appropriate for evaluation, the following information:

- A. Facility name, address, location, (if different from the address), and the name and phone number of a facility contact.
- B. SIC number or numbers according to the Standard Industrial Classification Manual, Bureau of the Budget, 1972, as amended;
- C. Wastewater constituents and characteristics as required by the Township, as determined by a Qualified Analyst; sampling and analyses shall be performed in accordance with procedures established by the EPA pursuant to Section 304(g) of the Act and contained in 40 CFR, Part 136, as amended;
- D. Each product by type, amount, process or processes and rate of production;
- E. Type and amount of raw materials processed (average and maximum per day);
- F. Number and type of employees, and hours of operation of plant and proposed or actual hours of operation of pretreatment system;
- G. Time and duration of Wastewater or Industrial Waste contribution;
- H. Average daily and 30 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 Building Sewers, Sewer connections, and appurtenances by the size, location and elevation;

- J. Description of activities, facilities and plant processes on the premises including all materials which are or could be Discharged, and a proposed discharge sampling location;
- K. The nature and concentration of any Pollutants in the Discharge which are limited by any Township, State, or Federal Pretreatment Requirements (including Local Limits), or Categorical Standards, and a statement regarding whether or not the Categorical Standard or Pretreatment Requirements are being met on a consistent basis and, if not, how the Industrial User proposes to meet the Categorical Standards and/or Pretreatment Requirements, including whether additional Operation and Maintenance (O&M) and/or additional Pretreatment is required for the Industrial User to meet the applicable Categorical Standard or Pretreatment Requirement. If the applicant is a Categorical Industrial User, this statement shall be signed by a Certified Professional;
- L. If additional Pretreatment and/or O&M will be required to meet Categorical Standards, Prohibitive Discharge 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 compliance date established for any applicable Categorical Standard.

The following conditions shall apply to this schedule:

- (1) The schedule shall contain increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the 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.).
 - (2) No increment referred to in subparagraph (1) shall exceed 9 months.
 - (3) Not later than 14 days following each date in the schedule and the final date for compliance, the Industrial User shall submit a progress report to the Township 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 9 months elapse between such progress reports to the Township.
- M. Compliance information for any applicable best management practices.
 - N. Any other information as may be deemed by the Township to be necessary to evaluate the application.

- O. The application shall be signed and attested to by an Authorized Representative of the Industrial User.

The Township will evaluate the data furnished by the Industrial User and may require additional information. After evaluation and acceptance of the data furnished, the Township may issue a Wastewater Discharge Permit subject to terms and conditions provided herein.

Section 5.05 Confidentiality of Applications

- A. All information required by the Township 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 Industrial User, such information shall be marked "confidential" on the application form.
- C. Confidentiality shall not apply to information regarding the flow of or the constituents in the Industrial Wastewater Discharge.
- D. Information accepted by the Township as confidential shall be handled as detailed in Section 5.19 of this Article.

Section 5.06 Wastewater Discharge Permit Conditions

Wastewater Discharge Permits shall be expressly subject to all provisions of this Ordinance and all other applicable regulations, user charges and fees established by the Township. Permits shall contain the following:

- A. Limits on Wastewater constituents and characteristics, including Local Limits and/or Categorical Standards, as applicable;
- B. List of Prohibited Discharges, as presented in Article III of this Ordinance;
- C. Requirements for submission of technical reports or discharge reports, including the information to be contained and the signatory requirements of these reports;
- D. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule;
- E. Requirements for maintaining and retaining records relating to Industrial Waste, and Wastewater Discharges, wastewater characteristics and Best Management Practices as specified by the Township, and affording the Township access thereto;
- F. Requirements for notification to the Township of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being Discharged into the Sewer System;
- G. Requirements for notification of Spills or Slug Loads and any changes affecting the potential for Spills or Slug Loads as per Article III, Section 3.09;
- H. Statement of duration of the Wastewater Discharge Permit;

- I. Notification of the rules regarding transferability, as stated in Section 5.07 of this Article;
- J. Notification of penalties provided for Noncompliance as contained in Article VII of this Ordinance;
- K. Notification of right of appeal.
Permits may also contain other information, including, but not limited to:
- L. Limits on average and maximum rate and time of discharge or requirements for flow regulation and equalization;
- M. Requirements for installation and maintenance of inspection and sampling facilities;
- N. Requirements for installation and maintenance of Pretreatment facilities;
- O. Requirements for developing and implementing special plans or practices such as Toxic Organic Management plans, best management or housekeeping practices, or other such procedures;
- P. Compliance schedules;
- Q. The unit charge or schedule of User charges and fees for the Wastewater to be discharged to the Sewer System;
- R. Applicable slug control requirements.
- S. Other conditions as deemed appropriate by the Township to ensure compliance with this or any other applicable Ordinance or Ordinance.

Section 5.07 Transferability of Permits

Wastewater Discharge 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, new Industrial User, different premises, or a new or changed operation without the approval of the Township. Any succeeding Industrial User shall also comply with the terms and conditions of the existing Wastewater Discharge Permit. The Township may, at its discretion, deny the transfer of a Wastewater Discharge Permit and require application for a new Wastewater Discharge Permit under the provisions of this Article.

Section 5.08 Duration of Wastewater Discharge Permits

Wastewater Discharge Permits shall be issued for a specified time period, not to exceed five (5) years. A Wastewater Discharge Permit may be issued for a period of less than five years or may be dated to expire on a specific date. The Industrial User shall apply for reissuance of the Wastewater Discharge Permit a minimum of 180 days prior to the expiration of the Industrial User's existing Wastewater Discharge Permit. The terms and conditions of the Wastewater Discharge Permit may be subject to modification by the Township during the term of the Wastewater Discharge Permit as limitations or requirements as identified in Article III are modified or other just cause exists. The Industrial User shall be informed of any proposed changes in its Wastewater Discharge Permit at least 30 days prior to the effective date of change.

Any changes or new conditions in the Wastewater Discharge Permit shall include a reasonable time schedule for compliance.

Section 5.09 Delayed Permit Renewal

A. If the Industrial User has complied with the terms of the Wastewater Discharge Permit and this Ordinance, and has applied for renewal as provided for in Section 5.08 of this Article, and the Wastewater Discharge Permit is not renewed on or before the expiration date through no fault of the Industrial User, then the existing Wastewater Discharge Permit shall remain in effect until it is re-issued or rescinded by the Township.

B. If the Wastewater Discharge 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 Industrial Waste by the Industrial User without a Wastewater Discharge Permit is an Unauthorized Discharge and is subject to the enforcement provisions of this Ordinance.

Section 5.10 Appeal of Wastewater Discharge Permits

A. Any Industrial User that is issued a Wastewater Discharge Permit may appeal the Permit conditions, in whole or in part. Appeal procedures shall be as set forth in Article VI, Section 6.07 of this Ordinance.

B. During the process of appeal, the Wastewater Discharge 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 the Township, would constitute a hazard or pose a potential threat of Pollution if waived, shall not be waived during an appeal.

Section 5.11 Baseline Monitoring Reports

A. As soon as possible following the promulgation of a Categorical Standard, the Wastewater Discharge 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.

B. Where an Industrial User, subject to a newly promulgated Categorical Standard, has not previously submitted an application for a Wastewater Discharge Permit as required by Article V, Section 5.04, the Industrial User shall, within 180 days after the promulgation of the applicable Categorical Standard:

(1) Apply for a Wastewater Discharge Permit; and

(2) Provide the baseline monitoring information required by 40 CFR §403.12(b). This information may be incorporated into the application for a Wastewater Discharge Permit.

C. An Industrial User with an existing Wastewater Discharge Permit shall submit to the Township within 180 days after the promulgation of an applicable Categorical Standard the information required by 40 CFR § 403.12(b).

D. 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 90 days prior to commencement of Discharge from the regulated process or facility.

Section 5.12 Categorical Compliance Report

Within 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 Waste from processes regulated by Categorical Standards into the Sewer System, any Industrial User subject to Categorical Standards shall submit to the Township a report indicating the nature and concentration of all Pollutants in the Discharge from the regulated process 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 workcycles. The report shall state whether the facility is in compliance with applicable best management practices, and if not, include a schedule for implementation of applicable best management practices. 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 Section 5.04, paragraph L, of this Article. This statement shall be signed by an Authorized Representative of the Industrial User, and certified to by a Certified Professional.

Section 5.13 Periodic Compliance Reports

A. All Significant Industrial Users shall report to the Township at least twice a year, the date of the report to be as determined by the Township and contained in the Wastewater Discharge Permit. Reports may be required more frequently, if deemed necessary by the Township.

B. The Township may decrease the frequency of periodic compliance reports to no less than once per year for a Significant Industrial User that is designated a Middle Tier Categorical Industrial User (Middle Tier CIU).

C. The reports required under this Section shall contain, at a minimum, the measured concentrations of all Pollutants regulated by the Wastewater Discharge Permit, information necessary to demonstrate compliance with required Best Management Practices, a record of all measured daily flows which exceeded the average daily flow value reported in compliance with Article V, Section 5.04, paragraph H of this Ordinance and the following statement of accuracy and completeness signed and certified by the Authorized Representative of the Significant Industrial User:

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

D. 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 processes during the reporting period shall be included in the report, along with flow and concentration values, so that a determination of Compliance or Noncompliance with Categorical Standards can be made.

E. For Significant Industrial Users subject to Categorical Standards, the certification of Compliance with those Standards, signed by a Certified Professional.

F. Users designated by the Township as Non-Significant Categorical Industrial Users (NSCIUs) must submit the following certification statement to the Township once each year along with documentation supporting their classification as a NSCIU:

"Based on my inquiry of the person or persons directly responsible for managing compliance with the categorical Pretreatment Standards under 40 CFR ____, I certify, that to the best of my knowledge and belief that during the period from ____, ____ to ____, ____ [months, days, year]: (a) The facility described as ____ [facility name] met the definition of a non-significant categorical Industrial User as described in §403.3(v)(2); (b) the facility never discharged more than 100 gallons of total categorical wastewater on any given day during this reporting period. This compliance certification is based upon the following information: ____"

Section 5.14 Reporting and Resampling of Discharge Limit Violations

A. 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 24 hours of becoming aware of the violation, notify the Township of this fact. Within 30 days of becoming aware of the violation, the Significant 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 the Township.

B. Each Significant Industrial User shall have a duty, on receipt of validly obtained sampling and analysis results, of inspecting the results and determining if any Wastewater Discharge Permit condition has been violated. Failure to examine and compare testing

results with Wastewater Discharge Permit conditions shall not be a valid defense for failure to comply with these reporting conditions.

Section 5.15 Sampling and Analysis

A. All sampling and analysis performed in compliance with Wastewater Discharge Permit conditions or to prepare the reports required in Sections 5.11, 5.12, 5.13 and 5.14 of this Article shall be accomplished using techniques specified in 40 CFR Part 136, or alternative procedures approved by the Administrator, or using procedures described in Standard Methods if no EPA-approved procedure exists.

B. Grab samples must be used for pH, cyanide, total phenols, oil and grease, sulfide, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the Township. Where time-proportional composite sampling or grab sampling is authorized by the Township, the samples must be representative of the Discharge and the decision to allow the alternative sampling must be documented in the Industrial User file for that facility or facilities.

C. All samples taken for purposes of demonstrating compliance must be based upon data obtained through appropriate sampling and analysis performed during the period covered by the report, which data are representative of normal conditions occurring during the reporting period.

D. If an Industrial User subject to the reporting requirements of this Article monitors any pollutant more frequently than required by the Township using procedures as specified in Paragraph A., above, the results of this monitoring shall be provided to the Township with the periodic compliance report required by Section 5.13. If the additional monitoring indicates that a violation of Pretreatment Requirements has occurred, then the provisions of Section 5.14 shall apply. It shall be a violation of the provisions of the Pretreatment Program to obtain several sample analyses for the purpose of selecting and submitting only those analyses that show Compliance with Pretreatment Requirements.

Section 5.16 Monitoring Facilities

A. The Township 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 Wastewater or Industrial Waste Discharge. The monitoring facility should normally be situated on the Industrial User's premises, but the Township 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.

B. 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.

C. Whether constructed on public or private property, the sampling and monitoring facilities shall be provided in accordance with the Township's requirements and all applicable local construction standards and specifications. Construction shall be completed within 90 days following written notification by the Township.

Section 5.17 Inspections

The Township may inspect the facilities of any User to ascertain whether the purpose of this Ordinance is being met and all requirements are being complied with. Persons or occupants of premises connected to the sewage collection system and/or where Wastewater is created or discharged shall allow the Township or its representative ready access at all reasonable times to all parts of the premises for the purposes of inspection, sampling, records examination and copying or in the performance of any of their duties. The Township, its agents (including the Authority), and EPA shall have the right to set up on the User's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry onto their premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from the Township, the Authority, any state environmental agency, and EPA will be permitted to enter, without delay, for the purpose of performing their specific responsibilities.

Section 5.18 Pretreatment Facilities

Industrial Users shall provide necessary Wastewater Pretreatment as required to comply with this Ordinance and shall achieve Compliance with all applicable Categorical Standards within the time limitations as specified by the applicable Categorical 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 the Township for review, and shall be acceptable to the Township 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 this Ordinance. Any subsequent changes in the Pretreatment facilities or method of operation shall be reported to and be acceptable to the Township prior to the Industrial User's initiation of the changes. The review and acceptance of plans and procedures by the Township shall not be considered as an approval regarding their efficacy, safety or reliability; such considerations are solely the responsibility of the Industrial User.

Section 5.19 Confidentiality

A. 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 Township that the release of such information, processes or methods of production are entitled to protection as trade secrets of the Industrial User.

B. When requested by the Person furnishing a report, and supported by evidence acceptable to the Township 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 this Ordinance, the Authority's 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 Person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.

C. The Township shall maintain a secure place to store records containing confidential information and shall insure that all records marked as confidential are kept secure from casual or public scrutiny.

D. When information accepted by the Township 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.

Section 5.20 Change in Operations

A. Any Significant 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 the Township in writing at least 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.

B. The Township may, on receipt of such a report:

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

C. Facilities permitted as Middle Tier Categorical Industrial Users (Middle Tier CIUs) must notify the Township immediately of any changes at its facility causing it to no longer

meet Middle Tier eligibility criteria. Upon notification, the Industrial User must immediately begin complying with the minimum reporting as described in Section 5.13(A).

Section 5.21 Records

A. The Township shall keep and maintain all records relating to the administration and enforcement of the Industrial Pretreatment Program, including but not limited to Wastewater Discharge Permit applications, investigations and calculations, Wastewater Discharge Permits, inspection reports, Industrial User reports, reports of compliance with Best Management Practices, sampling results and enforcement activities, for a minimum of three years. In cases of on-going litigation, records shall be maintained as long as they may be required.

B. The Township shall keep and maintain documentation to support a determination that a significant industrial user meets the criteria to be permitted under a general permit, a copy of the user's general permit, and a copy of the user's request for coverage under a general permit, for a minimum of three years after expiration of a general permit.

C. The Township shall keep and maintain documentation to support a determination that a facility qualifies as a Middle Tier CIU, for a minimum of three years after expiration of the permit establishing requirements based on the middle tier determination.

D. All Industrial Users shall keep and maintain records of monitoring activities and results, records of compliance with Best Management Practices, Wastewater Discharge Permits, and reports to the Township for a minimum of 3 years. In cases of on-going litigation such records shall be maintained as long as they may be required.

ARTICLE VI - ENFORCEMENT

Section 6.01 Right to Refuse

The Township reserves the right to refuse to accept Wastewater, or combinations of Wastewater, which are Discharged in violation of the terms or conditions of this Ordinance, or the written directions of the Township issued pursuant to the conditions of this Ordinance. The Township may take such steps as it deems necessary, as outlined in this Ordinance, to compel discontinuance of use of the Sewer System or Pretreatment of Industrial Wastes in order to comply with the provisions of this Ordinance.

Section 6.02 Suspension of Permit

A. The Township may suspend the Wastewater Discharge Permit when such suspension is necessary, in the opinion of the Township, 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, to the environment, causes Interference or Pass Through, or causes the Authority to violate any condition of its NPDES Permit or any other Federal or State law, rule, regulation or permit condition.

B. Any Industrial User notified of a suspension of its Wastewater Discharge 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 the Township shall take such steps as deemed necessary, including immediate severance or plugging of the connection between the Building Sewer and the Sewage Collection System, to prevent or minimize damage to the Sewer System or endangerment to the environment or any property or Person.

C. The Township may reinstate the Wastewater Discharge 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 the Township within 15 days of the date of occurrence.

Section 6.03 Revocation of Permit

A. Any Industrial User who violates the following conditions of this Ordinance, or applicable State and Federal regulations, is subject to having its Wastewater Discharge Permit revoked.

1. 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 Article V, Sections 5.11, 5.12, 5.13, or 5.14 of this Ordinance;
2. Failure of the Industrial User to report significant changes in operations, or Wastewater constituents and characteristics as required in Article V, Section 5.20 of this Ordinance;
3. Refusal of reasonable access to the Industrial User's premises for the purpose of inspection or monitoring; or
4. Significant Noncompliance with conditions of the Wastewater Discharge Permit.

B. Discharge of any Industrial Waste to the Sewer System by a Significant Industrial User without a Wastewater Discharge Permit is an Unauthorized Discharge, as provided in Article V, Section 5.01, and is subject to the penalties provided herein.

Section 6.04 Notice of Violation

Whenever the Township finds that any Industrial User has violated or is violating the provisions of the Industrial Pretreatment Program, its Wastewater Discharge Permit, or any

prohibition, limitation or requirements contained herein, the Township 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.

Section 6.05 Show Cause Hearing

A. The Township may require any Industrial User who causes or allows an Unauthorized Discharge to enter the Sewer System, or who violates any condition or requirement of the Industrial Pretreatment Program or its Wastewater Discharge Permit, to show cause before the Township why the 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 the Township 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 the Township 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 days before the hearing. Service may be made on any agent or officer of a corporation if the Industrial User is a corporation.

B. The Township may itself conduct the hearing and take the evidence, or may designate any of its members or any representative of the Township to:

1. Issue in the name of the Township notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings;
2. Take the evidence;
3. Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Township for action thereon.

C. At any hearing held pursuant to this Section, testimony taken must be under oath and recorded stenographically. The transcript, so recorded, will be made available to any member of the public or any party to the hearing upon payment of the usual charges thereof.

D. After the Township 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:

1. Installation of Pretreatment facilities or equipment;
2. Modification or additions to existing Pretreatment facilities or equipment;
3. Initiation of management practices which are required to alter the nature of the Industrial Waste being Discharged;

4. Development or implementation of SPCC plans or other measures;
 5. Other measures found to be necessary to correct the Unauthorized Discharge or other Non Compliance.
 6. The direction may be in the form of a schedule for compliance, setting dates by which certain actions shall be taken.
- E. Failure of an Industrial User to comply with directions issued pursuant to a hearing constitutes a violation of this Ordinance and may be subject to additional actions or penalties as outlined in this Article.

Section 6.06 Administrative Orders

The Township may issue written directions as described in Section 6.05, paragraph D, of this Article without a Show Cause Hearing if the Township determines that such directions are necessary to correct conditions or remedy continuing violations of this Ordinance or any Wastewater Discharge Permit or other requirements of the Industrial Pretreatment Program, the Township or Federal or State regulations.

Section 6.07 Right of Appeal

- A. An Industrial User may appeal the enforcement actions enumerated above in Sections 6.02, 6.03, 6.05 and 6.06 of this Article, or Wastewater Discharge Permit conditions, in whole or in part. An appeal is subject to the following requirements.
1. The appeal must be made in writing to the Township.
 2. The appeal must be made within thirty (30) calendar days from the date of receipt of the Wastewater Discharge Permit, written directions, or notice of suspension or revocation of a Wastewater Discharge Permit being appealed by the Industrial User.
 3. The appeal must state the specific provision(s) of a Wastewater Discharge Permit or the specific directions of the Township which are being contested.
 4. The appeal must state the reasons for the appeal of each provision.
 5. The appeal may suggest alternate or revised provisions to replace those appealed.
- B. Provisions mandated by Federal or State regulations (e.g., compliance with Categorical Standards) shall not be appealed.
- C. An appeal shall be made to the Township, and shall be reviewed by any designated representative(s) of the Township, provided:
1. The representative shall not be the Pretreatment Coordinator; and
 2. The representative is not the Superintendent.

D. Within 60 days of receipt, the representative(s) reviewing the appeal shall report in writing to the Township the results of the review. The report shall contain, at a minimum:

1. A summary of each item appealed, the appellant's reasons for appeal, and the appellant's proposed remedies, if any.
2. The finding of merit for each point, and the reason(s) for finding.
3. 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.

E. The Township shall review the report and, at one or more regular or special public meetings, take any additional testimony offered by the appellant, reviewer, Pretreatment Program Coordinator, or other interested party. The Township shall, within 45 days of the conclusion of testimony, decide to:

1. Grant the appeal or portions of the appeal, applying such remedies as it deems proper; or
2. Deny the appeal.

This decision constitutes final administrative action.

Section 6.08 Civil Actions

If any Person violates the provisions of the Industrial Pretreatment Program, including local Federal or State Pretreatment Requirements, Categorical Standards, or any Wastewater Discharge Permit or written directions issued by the Township, the Township may commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of Luzerne County.

Section 6.09 Injunctive Relief

If any Person causes or permits an Unauthorized Discharge to occur, or otherwise violates the conditions imposed by the Industrial Pretreatment Program or any Wastewater Discharge Permit or written directions issued by the Township, or any Federal or State Pretreatment Requirement or Categorical Standard, the Township may commence an action in the Court of Common Pleas of Luzerne County for injunctive relief to stop the Unauthorized Discharge, or to require Compliance with the applicable condition.

Section 6.10 Enforcement Response Plan

The Township may develop an Enforcement Response Plan to guide the Pretreatment Coordinator in the administration of the Industrial Pretreatment Program. 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, and when recommending to the Township enforcement action in response to Noncompliance.

Section 6.11 Significant Violators

The Township shall publish annually, a list of Industrial Users that were found to be in Significant Noncompliance during the previous calendar year. The list shall be published in a newspaper of general circulation within the municipalities served by the Sewage Collection System. Significant Noncompliance shall be determined using measures of rate, magnitude, and type of Noncompliance, as delineated below:

- A. Chronic violations of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other numerical limitations on Discharges of Industrial Waste. A Chronic violation occurs if sixty-six percent (66%) or more of all the measurements taken for the same pollutant parameter during a six (6) month period exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits.
- B. 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 taken for the same pollutant parameter during a six (6) month period equal or exceed (by any magnitude) a numeric Pretreatment Standard or requirement, including instantaneous limits, multiplied by the applicable TRC. For conventional Pollutants (BOD, Total Suspended Solids and fats, oil and grease), the TRC equals one and four-tenths (1.4); for all other Pollutants except pH, the TRC equals one and two-tenths (1.2).
- C. Any violation of Local Limits, Prohibitive Discharge Standards, Categorical Standards, or other Standard or Requirement for Discharges of Industrial Waste which the Township determines has caused, alone or in combination with other discharges, Pass Through or Interference, or has endangered the health or safety of Sewer System maintenance or operating personnel or the public.
- D. Any Discharge that has caused imminent endangerment to human health, welfare or the environment, or has caused the Township to exercise its emergency authority under Section 6.02 of this Ordinance.
- E. Failure to meet, within ninety (90) days after the schedule date, a compliance schedule milestone contained in a Wastewater Discharge Permit or submitted in response to written directions of the Township, for starting construction, completing construction, or attaining final compliance.
- F. Failure to provide, within forty-five (45) days after the due date, any required reports, including but not limited to baseline monitoring reports, periodic compliance reports, reports on compliance with compliance schedules, or reports on a change in operations.
- G. Failure to accurately report any Noncompliance.
- H. Any other violation, or group of violations, Noncompliance or Noncompliances, which may include a violation of Best Management Practices, which the Township determines will adversely affect the operation or implementation of the Industrial Pretreatment Program.

Section 6.12 Records

The Township 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 Township business hours.

ARTICLE VII - PENALTIES

Any person who violates any provisions of this Ordinance, or the rules, regulations and permits issued hereunder, shall pay a civil penalty of not less than One Hundred Dollars nor more than Twenty-five Thousand Dollars for each offense. In addition to the penalties provided herein, the Township may recover reasonable attorney's fees, court costs, court reporters' fees and other expenses of litigation by appropriate suite at law against the Person found to have violated this Ordinance or the rules, regulations, and permits issued hereunder.

ARTICLE VIII – REMEDIES NOT EXCLUSIVE

The enumeration of remedies in Articles VI and VII of this Ordinance does not restrict their application. Although the Enforcement Response Plan shall serve as a guide in applying remedies and penalties, the Township reserves the right to take any action or combination of actions allowed by this Ordinance or other applicable law, including concurrent actions, if it determines that those actions are necessary for the proper and prudent administration or enforcement of the Industrial Pretreatment Program.

**ARTICLE IX – ADMINISTRATION OF THE INDUSTRIAL
PRETREATMENT PROGRAM**

Section 9.01 Appointment of Authority as Agent

The Township appoints the Borough of Freeland Municipal Authority as its agent for the purposes of administering the Industrial Pretreatment Program. All reports and applications required by this ordinance to be submitted to the Township shall be submitted to the Authority. The Authority is hereby authorized to develop all procedures for inspecting Users, reporting, issuing Wastewater Discharge Permits, reviewing Pretreatment facility plans, and otherwise administering all of the provisions of this Ordinance and the Industrial Pretreatment Program. Local Limits developed by the Authority shall be applied as Local Limits authorized by this Ordinance and applied to such Industrial Users as authorized by this Ordinance. All administrative enforcement actions, as set forth in Articles VI and VII of this Ordinance, may be taken by the Authority acting as an agent for the Township; this includes, but is not limited to, issuance of written directions and notices of violation, the scheduling and hearing of Show Cause Hearings, and the suspension or revocation of Wastewater Discharge Permits. On the appeal of an action by the Authority by an Industrial User, the Township may assign the hearing of the appeal and the right to make final decisions to the Authority. This appointment may be revoked only upon the amendment of this Ordinance by majority vote of the Township Supervisors of the Township of Foster, at a duly scheduled and publicly advertised regular or special public meeting.

Section 9.02 Authorization of Authority To Act In The Name Of The Township

All enforcement procedures authorized by Articles VI and VII of this Ordinance may be undertaken, without prior consultation with the Township, by the Authority and the Authority shall in such instances be authorized to act for and in the name of the Township. It is the intent of the Township Supervisors of the Township of Foster that the Industrial Pretreatment Program be administered and enforced by the Authority and that all action taken by the Authority in administering and enforcing this ordinance are actions on behalf of the Township and may be taken in the name of the Township. This authorization may be revoked only upon the amendment of this ordinance by a majority vote of the Township Supervisors of the Township of Foster at a duly scheduled and publicly advertised regular or special public meeting.

Section 9.03 Information To Be Shared With Authority

Information acquired by the Township which pertains to the provisions of the Industrial Pretreatment Program shall be provided to the Authority in a timely manner. Such information shall include but not limited to:

- A. Information regarding new Industrial Users or changes in use of existing Users.
- B. Information pertaining to the quality, quantity, or rate of flow Discharges.
- C. Information regarding violations of this ordinance or any of its provisions or of the Industrial Pretreatment Program.

Section 9.04 Actions To Be Taken In Support of Authority in Administration and Enforcement

The Township may provide such services as may be required or requested in aid of the administration or enforcement of the provisions of the Industrial Pretreatment Program. Such aid and assistance may include, but not limited to, assistance in obtaining information, recordkeeping, sampling, inspections or enforcement.

Section 9.05 Authorization of Authority Not Exclusive

Notwithstanding the above, the Township retains the right to administer and enforce the Industrial Pretreatment Program in keeping with the provisions of this Ordinance. When so notified by the Township, Users shall provide such information as is required by this Ordinance or its provisions to the Township. The Township may take such administrative or enforcement actions as it deems necessary to comply with the provisions of this Ordinance.

ARTICLE X – ADOPTION OF ADDITIONAL RULES AND REGULATIONS

The Township Supervisors of the Township of Foster reserve the right to adopt, from time to time, such additional rules and regulations as it shall deem necessary and proper in conjunction with use and operation of the Sewer System, which rules and regulations shall be, shall become and shall be construed as part of this Ordinance.

ARTICLE XI – CONSTRUCTION AND SEVERABILITY

In the event any provision, section, sentence, clause or part of this Ordinance shall be held to be invalid, such validity shall not affect or impair any remaining provision, section, sentence, clause or part of this Ordinance, it being the intent of the Authority that such remainder shall be and shall remain in force and effect. Provisions of headings in this Ordinance are solely for convenience and shall have no effect on the legal or technical interpretation of any provision or requirement.

ARTICLE XII – REPEALER

All other ordinances or parts of ordinances inconsistent herewith expressly are repealed

PASSED FINALLY, by Township Supervisors of the Township of Foster, LuzerneCounty, Pennsylvania, in lawful session duly assembled, this _____ day of _____, 2022.

CHAIRMAN

ATTEST:

SECRETARY

(SEAL)

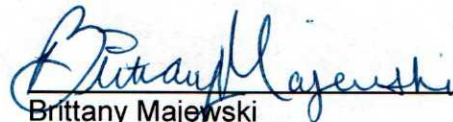
Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

Docket No. A-2021-3028676

VERIFICATION

I, Brittany Majewski, hereby state that the facts set forth in the foregoing supplemental responses to the data requests from the Bureau of Technical Utility Services dated December 17, 2021, specifically TUS-A-20, 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 if 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: February 7, 2022


Brittany Majewski
Municipal Secretary
Foster Township Board of Supervisors

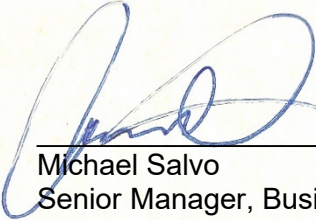
Application of Pennsylvania-American Water Company-Wastewater Division for approval of the rights to: (1) acquire, by sale, certain wastewater system assets of Foster Township; and (2) begin to offer, render, furnish and supply wastewater service to the public in portions of Foster Township, Luzerne County, Pennsylvania

Docket No. A-2021-3028676

VERIFICATION

I, Michael Salvo, hereby state that the facts set forth in the foregoing supplemental responses to the data requests from the Bureau of Technical Utility Services dated December 17, 2021, specifically TUS-A-07, 19 and 32, 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 if 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: February 8, 2022



Michael Salvo
Senior Manager, Business Development
Pennsylvania-American Water Company

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Pennsylvania-American Water Company- :
Wastewater Division for approval of the rights to: :
(1) acquire, by sale, certain wastewater system assets of : Docket No. A-2021-3028676
Foster Township; and (2) begin to offer, render, furnish :
and supply wastewater service to the public in portions of :
Foster Township, Luzerne County, Pennsylvania :

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of **Pennsylvania-American Water Company's Revised Responses to the Bureau of Technical Utility Services Data Request Set 1, Questions A-7, A-19, A-20, and A-32**, upon the parties listed below, in the manner specified below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party):

VIA Electronic Delivery

Richard A. Kanaskie
Director and Chief Prosecutor
PA Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street, 2nd Floor West
Harrisburg, PA 17120
rkanaskie@pa.gov

Patrick Cicero
Acting Consumer Advocate
Pennsylvania Office of Consumer Advocate
555 Walnut Street
5th Floor, Forum Place
Harrisburg, PA 17101-1923
pcicero@paoca.org

Teresa Reed Wagner
Executive Director
Small Business Advocate
PA Office of Small Business Advocate
Forum Place
555 Walnut Street, 1st Floor
Harrisburg, PA 17101
tereswagne@pa.gov

Date: February 8, 2022



Teresa K. Harrold, Director, Corporate Counsel
Pennsylvania-American Water Company
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