

**DOWNTOWN AREA REGIONAL AUTHORITY
PRETREATMENT RESOLUTION**

Resolution No. 2007-1
(Revisions through January 8, 2007)

PRETREATMENT RESOLUTION
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RESOLUTION NO. 2007-1

DOWNINGTOWN AREA REGIONAL AUTHORITY

ADOPTED FEBRUARY 19, 2007

WHEREAS, the Downingtown Area Regional Authority ("DARA") on November 17, 1986 adopted a resolution establishing waste discharge standards entitled "Resolution Adopting Waste Discharge Standards for the Downingtown Area Regional Authority" and amended the same on April 15, 1988, October 17, 1988, November 28, 1988, August 21, 1989, November 20, 1989, December 18, 1989, February 19, 1990, March 15, 1993, and August 16, 1996 (hereinafter referred to collectively as the "Resolution"); and

WHEREAS, DARA, has determined to make certain changes in those standards and to impose certain requirements upon its users, including, on certain users, a requirement for pretreatment of effluent; and

WHEREAS, DARA has determined to incorporate in the Resolution various other provisions pursuant to which the use of its facilities will be permitted, including, without limitation, administrative and penal provisions.

NOW, THEREFORE, be it resolved that the Resolution is amended to read in full as follows:

WHEREAS, DARA has entered into an agreement with the Borough of Downingtown and the Townships of Caln, East Caln, Uwchlan and West Whiteland dated as of December 15, 1985 (the "Intermunicipal Agreement") pursuant to which DARA is required to treat certain sewage from each of the parties to the Intermunicipal Agreement, such treatment to be provided at the Downingtown Regional Water Pollution Control Center (the "DRWPCC): and

WHEREAS, DARA is authorized by the Intermunicipal Agreement to establish standards for waste discharged into the DRWPCC and an industrial pretreatment program and the other parties to the Intermunicipal Agreement are required thereby to adopt those standards and that program; and

WHEREAS, the other parties to the Intermunicipal Agreement are required thereby to pay fees as specified by DARA for the treatment of sewage from the collection system of those parties; and

WHEREAS, DARA has determined to adopt rules and regulations to establish the said standards and program and set the above-referred to fees by this Resolution.

NOW, THEREFORE, be it resolved that DARA adopt the following rules and regulations setting standards, fees and procedures for the use of the DRWPCC.

SECTION 1. DEFINITIONS

Unless the context specifically indicates otherwise, the following terms and phrases, as used in this Resolution, shall have the meanings hereinafter designated. Words in the present tense include the future. The singular number includes the plural number. The plural number includes the singular number. The word "shall" is mandatory, while the word "may" is permissive.

1. Act: The Federal Water Pollution Control Act, as amended, also known as the Clean Water Act.
2. Approval Authority: The Administrator or the Regional Administrator of EPA.
3. Authorized Representative of User: An authorized representative of a User is:
 - a. A principal executive officer of at least the level of vice president, if the User is a corporation;
 - b. A general partner or proprietor if the User is a partnership or proprietorship, respectively;
 - c. A principal executive officer or a person having responsibility for the overall operation of the User's facility if the User is a governmental agency, unincorporated organization, or other similar entity;
 - d. A duly-authorized representative of the individual designated in (a) through (c) above if: (i) the authorization is made in writing by the individual described in (a) or (b); (ii) the authorization specifies either an individual or a position having overall responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and (iii) the written authorization is submitted to DARA.
3. Average Daily Flow: The Wastewater discharge volume from the most recent calendar quarter divided by the number of calendar days in that quarter.

4. Best Management Practices: or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in §403.5(a)(1) and (b). BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.
5. Biochemical Oxygen Demand (“BOD”): The quantity of oxygen, expressed in milligrams per liter (mg/L), utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty (20) degrees Centigrade. The standard laboratory procedure shall be found in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.
6. Bypass: The intentional diversion of waste streams from any portion of an Industrial User's facility for pretreatment.
7. Categorical Industry: Any industry subject to Pretreatment Standards as specified in 40 CFR, Chapter I, Subchapter N, establishing quantities or concentrations of pollutants or pollutant properties which may be discharged or introduced to a treatment plant by existing or new Industrial Users in specific industrial subcategories.
8. Categorical Standards: National Categorical Pretreatment Standards.
9. Chemical Oxygen Demand (“COD”): The quantity of oxygen, expressed in mg/L, required to chemically oxidize the organic and inorganic matter in a water or Wastewater sample under the standard laboratory procedure. The standard laboratory procedure shall be that in the latest edition of "Standard Methods for the Examination of Water and Sewage" published by the American Public Health Association.
10. Compatible Pollutant: Shall mean BOD, COD, Total Suspended Solids, Total Kjeldahl Nitrogen, total phosphorus, and fecal coliform bacteria.
11. DARA: The Downingtown Area Regional Authority, a political subdivision of the Commonwealth of Pennsylvania.
12. Discharge Permit: A permit issued by DARA authorizing the discharge of tank truck or hauled waste at the DRWPCC.

13. DRWPCC: The Downingtown Regional Water Pollution Control Center. The facilities in East Caln Township treating Wastewater pursuant to the Intermunicipal Agreement among DARA, the Borough of Downingtown and the Townships of Caln, East Caln, Uwchlan and West Whiteland.
14. Engineer: DARA's consulting engineer.
15. EPA: The United States Environmental Protection Agency, including, where appropriate, the Administrator or other duly authorized official of said agency.
16. Executive Director: The DARA Executive Director.
17. Garbage: Solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the commercial handling, storage and sale of produce.
18. Grab Sample: An individual sample collected over a period of time not exceeding fifteen (15) minutes.
19. Industrial User: Any Person discharging Industrial Wastewater to the Sewerage System.
20. Industrial Wastewater: Any water which, during a manufacturing, or processing operation, including those regulated under Sections 307(b), (c), or (d) of the Act, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, by-product, or waste product, or any other water contaminated by an industrial process, and distinct from Sanitary Sewage.
21. Industrial Waste Discharge Permit: A permit authorizing a Person to deposit or discharge Industrial Wastewater into the Sewerage System.
22. Interference: The inhibition or disruption of the DRWPCC processes or operations which contributes to a violation of any requirement of DARA's NPDES Permit or a decrease in treatment efficiency. The term includes inhibition or disruption of sewage sludge use or disposal from the DRWPCC in accordance with Section 405 of the Act (33 U.S.C. 1317) or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act ("SWDA"), the Clean Air Act, the Toxic Substances Control Act, or more stringent State criteria (including those contained in any State sludge management plan prepared pursuant to Title IV of SWDA) applicable to the method of disposal or use employed by the DRWPCC.

23. Local Discharge Limits: Numerical limitations on the concentration, mass or other characteristics of wastes or pollutants discharged to the Sewerage System by Industrial Users, and which are developed by DARA.
24. Milligrams per liter (“mg/L”): The ratio of weight to volume expressing the concentration of a specified component in a Wastewater. Also known as parts per million (PPM).
25. 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) and which are defined in 40 CFR Chapter I, Subchapter N, Parts 405-471.
26. National Pollutant Discharge Elimination System Permit (“NPDES Permit”): A permit issued pursuant to Section 402 of the Act (33 U.S.C. 1342)
27. National Prohibited Discharge Standard or Prohibited Discharge: Any regulation developed under the authority of 40 CFR, Section 403.5.
28. 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 Section 403.3.
29. Owner: Any Person vested with ownership, legal or equitable, sole or partial, of any property, or his agent.
30. Pass Through: Discharge through the DRWPCC which exists in quantities or concentrations, alone or with discharges from other sources, which causes a violation of any condition of DARA's NPDES Permit.
31. Pennsylvania Department of Environmental Protection (“PADEP”): The Department of Environmental Protection of the Commonwealth of Pennsylvania, or any department or agency of the Commonwealth succeeding to the existing jurisdiction or responsibility of the Department of Environmental Protection.

32. Person: Any individual, firm, company, partnership, corporation, association, group or society, including the State and agencies, districts, commissions and political subdivision created by or pursuant to State law and Federal Agencies, departments or instrumentalities thereof.
33. pH: The logarithm of the reciprocal of the hydrogen ion concentration expressed as moles per liter.
34. Pollutant: Any dredged spoil, solid waste, incinerator residue, sewage, sewage sludge, garbage, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal and agricultural waste discharged into water.
35. Pretreatment: The reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in Wastewater to a less harmful state prior to or in lieu of discharging or otherwise introducing such Pollutants into the Sewerage System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes or by other means, except as prohibited by 40 CFR Section 403.6(d).
36. Pretreatment Requirement: Any substantive or procedural requirement related to Pretreatment, other than a National Categorical Pretreatment Standard, imposed on an Industrial User.
37. Pretreatment Standard: Any regulation containing Pollutant discharge limits promulgated by the EPA in accordance with Sections 307 (b) and (c) of the Act, which applies to Industrial Users. This term includes National Categorical Pretreatment Standards, Prohibited Discharge limits, and Local Discharge Limits.
38. Qualified Professional: Registered professional engineer skilled in the field of wastewater treatment.
39. Sanitary Sewage or Sewage: The normal water borne waste from a household, and toilet wastes from residences, business buildings, institutions, commercial and industrial establishments.
40. Sewerage System: The DRWPCC and any pipe, conduit or other equipment, which carries Wastewater to the DRWPCC.

41. Significant Industrial User: Any Industrial User that (1) is subject to National Categorical Pretreatment Standards; or (2) discharges 10,000 gallons or more per day of Industrial Wastewater, or (3) contributes a waste stream which makes up five percent or more of the dry weather Compatible Pollutant capacity of the DRWPCC; or (4) has a reasonable potential, as determined by DARA, or EPA, to adversely affect the DRWPCC by Interference, Pass Through of Pollutants, sludge contaminations, to endanger collection system and DRWPCC personnel, or to violate any applicable Pretreatment Standard.
42. Significant Noncompliance (“SNC”): An Industrial User is in significant noncompliance if its violations meet one or more of the following criteria:
- a. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken during a six-month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits;
 - b. Technical Review Criteria (“TRC”) violations, defined as those violations in which 33 percent or more of all of the measurements for each parameter measured taken during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement, including instantaneous limits times the applicable TRC multiplier (TRC multiplier equals 1.4 for BOD, TSS, fats, oil and grease and 1.2 for all other pollutants with numerical limits, except pH);
 - c. Any other violation of a Pretreatment Standard or Requirement (daily maximum or longer-term average) that DARA determines has caused, alone or in combination with other discharges, an Interference or Pass Through at the DRWPCC (including endangering the health of POTW personnel or the general public);
 - d. Any discharge of a pollutant that has caused imminent endangerment to the health of DRWPCC personnel, the environment or the general public; or has resulted in DARA exercising any emergency authority to halt or prevent such a discharge;
 - e. Failure to meet, within ninety (90) days after the scheduled date, a compliance schedule date, or a compliance schedule milestone contained in the User's Industrial Waste Discharge Permit or enforcement action for starting construction, completing construction, or attaining final compliance;

- f. Failure to provide, within forty five (45) days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with a compliance schedules;
 - g. Failure to accurately report incidents of noncompliance; or
 - h. Any other violation or group of violations, which may include a violation of Best Management Practices, that DARA determines will adversely affect the overall implementation of its Industrial Pretreatment Program.
43. Slug Load: Any discharge of Wastewater of a non-routine or episodic nature, including but not limited to an accidental spill or non-customary batch discharge at a flow rate or concentration that may cause a violation of any Pretreatment Requirement or Pretreatment Standard set forth in this Resolution.
44. Slug Control Plan: A report prepared by an Industrial User and provided to DARA in accordance with this Resolution which details the existing and proposed facility plans and operating procedures to be followed by that User in the event of a Slug Load.
45. Standard Industrial Classification (“SIC”): A classification pursuant to the latest Standard Industrial Classification Manual issued by the Executive Office of the President, Office of Management and Budget.
46. Standard Methods: The latest edition of "Standard Methods for the Examination of Water and Wastewater", a manual published by the American Public Health Association specifying analytical procedures for testing and analysis of Wastewater.
47. State: Commonwealth of Pennsylvania.
48. Stormwater: Any flow occurring during or following any form of natural precipitation and resulting exclusively there from.
49. Surcharge: An additional charge for the treatment of Extra-strength wastewater in excess of the basic charge for treatment of Wastewater.

50. Total Suspended Solids (“TSS”): The total suspended matter that either floats on the surface of, or is in suspension in, water or Wastewater and is removable by laboratory filtration as prescribed in Standard Methods.
51. Total Kjeldahl Nitrogen (“TKN”): The sum of the organic nitrogen and ammonia nitrogen present in Wastewater, as measured by standard laboratory procedure as described in Standard Methods.
52. Twenty-four Hour Composite Sample: A sample that is collected over time, formed either by continuous sampling or by mixing discrete samples collected at regular intervals not exceeding one (1) hour, during a twenty-four hour time span. The sample may be collected either as a time composite sample (composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of discharge flow) or as a flow proportional composite sample (collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between aliquots).
53. User: Any Person who contributes Wastewater into the Sewerage System.
54. Wastewater: The combined flow of Sanitary Sewage and Industrial Wastewater, together with such quantities of infiltration and inflow as may be present.

SECTION 2. PROHIBITIONS AND RESTRICTIONS ON ALL USERS

2.1 General Discharge Restrictions

Except as otherwise provided in this Resolution, no User shall discharge or cause to be discharged to the Sewerage System any Sewage, Industrial Wastewater, or other matter or substance:

- A. Having a temperature which will inhibit biological activity at the DRWPCC resulting in Interference, but in no case with a temperature at the introduction into the Sewerage System which exceeds 120 degrees F or is less than 40 degrees F, and in no case heat in such quantities that the temperature of the influent to the DRWPCC exceeds 104 degrees F.
- B. Containing petroleum oils, non-biodegradable cutting oils, or other products of mineral oil origin, animal fats, oil, wax, or grease, or other similar substances, (collectively called "oil and grease") in amounts that will cause Pass Through or Interference.
- C. Containing any liquids, solids, or gases at concentrations which 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 Sewerage System or to the operation of the DRWPCC. Prohibited materials include, but are not limited to, gasoline, fuel oil, kerosene, naphtha, paint products, sulfides, and any substance having a closed cup flashpoint of less than one hundred and forty (140) degrees Fahrenheit using the test methods specified in 40 CFR 261.21.
- D. Containing solid or viscous substances at concentrations which will cause obstruction to the flow in a sewer or other Interference such as, but not limited to: ashes, cinders, spent lime, stone dust, sand, mud, straw, shavings, metals, glass, rags, grass clippings, feathers, tar, plastics, wood, whole blood, paunch manure, bentonite, lye, building materials, rubber, asphalt residues, hairs, bones, leather, porcelain, china, ceramic wastes, polishing wastes, or glass grindings.
- E. Having a pH, stabilized, lower than 5.0 or higher than 9.0 or having any other corrosive or scale forming property capable of causing damage or hazard to structures, equipment, bacterial action or personnel of the Sewerage System.

- F. Containing pollutants in sufficient quantity, either singly or by interaction with other pollutants, to injure, cause a Pass Through or Interference in the Sewerage System, constitute a hazard to humans, animals or plants, create a toxic effect in the receiving waters of the DRWPCC, or to exceed the any limitation set forth in a National Categorical Pretreatment Standard.
- G. Containing any noxious or malodorous liquids, gases, or solids which, either singly or by interaction with other wastes are sufficient to create a public nuisance or result in toxic gases, vapors, or fumes in the Sewerage System in a quantity that will cause worker health and safety problems.
- H. Containing objectionable color not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.
- I. Containing radioactive substances of such half-life or concentration as may exceed limits which are prohibited by applicable State or Federal regulations.
- J. Prohibited by any permit, statute, rule, regulation, and ordinance issued or promulgated by any public agency, including the State and the EPA.
- K. Containing any substance which will cause the DRWPCC to violate its NPDES Permit or the receiving water quality standards.
- L. Containing any substance which shall cause the DRWPCC to be in non-compliance with sludge use or disposal criteria, guidelines or regulations developed under Section 405 of the Act or be in noncompliance with any criteria, guidelines, or regulations affecting sludge use or disposal promulgated pursuant to the Solid Waste Control Act, or State Clean Air Act, the Toxic Substances Control Act, or State criteria applicable to the sludge management method being used.
- M. Containing non-biodegradable complex carbon compounds.
- N. Constituting a Slug Load.
- O. Containing Stormwater from pavements, area ways, roofs, foundation drains or other sources.

- P. Containing any Garbage with particles greater than one-half (1/2) inch in size.
- Q. Containing pesticides, unless upon written request, special permission is obtained from DARA.

2.2 Trucked or Hauled Wastewater

- A. Tank truck or hauled waste discharges to the Sewerage System are prohibited, except as authorized hereinafter.
- B. Tank truck or hauled wastes may only be discharged at the DRWPCC upon the issuance of a Discharge Permit by DARA.
- C. Tank truck or hauled wastes authorized for discharge shall be discharged only at the location, time and at a rate fixed by the Discharge Permit.
- D. Tank truck or hauled waste discharges shall not include any Industrial Wastewater.
- E. Prior to discharge, the tank truck or hauled waste shall be subject to inspection and sampling by DARA.
- F. Tank truck or hauled waste discharges shall be subject to rates and charges in accordance with a schedule established by DARA, as amended from time to time.

2.3 Strength of Waste Surcharge

- A. Any User discharging wastewater to the Sewerage System defined as Extra-strength Wastewater in such resolutions as DARA shall adopt from time to time shall pay a Surcharge as forth in those resolutions. The effective date of any change in definitions or fees shall be stated in all such resolutions.
- B. No User shall discharge into the Sewerage System any Extra-strength Wastewater without a written Permit from DARA providing for sampling and the payment of a Surcharge to the municipality to whose sewer system the User is connected, in accordance with the formulas set forth in the current DARA resolution.

- C. The Surcharge computations shall be based on the Wastewater sample analyses for the most recent complete calendar quarter. Surcharges shall be based on Wastewater sample analyses (or, in the absence thereof, on DARA's estimates) for the calendar quarter which they apply. The surcharge formulas are independent of each other and measure different characteristics of the same Wastewater. Surcharges measured by each formula are cumulative.

- E. The Surcharge billings shall be in addition to any other quarterly sewer use charge paid by the User to the municipality to whose sewer system the User is connected. Payment of a Surcharge shall not relieve the User of its obligation to comply with the mass loading limits listed in Section 3.3 of this Resolution.

- F. DARA shall bill the amount of the Surcharge to the municipality to whose sewer system the high strength discharger is connected in its next regular billing after the determination of the Surcharge and the municipality shall pay same under the terms and on the same schedule as the other amounts due under that bill.

SECTION 3. PROHIBITIONS AND RESTRICTIONS ON INDUSTRIAL USERS

3.1 General

No Person shall discharge Industrial Wastewater into the Sewerage System in violation of Section 2 hereof and unless the Person discharging the same has submitted a complete and accurate Industrial Waste Discharge Questionnaire to DARA in the form prescribed by the Executive Director, and has been issued an Industrial Waste Discharge Permit or has been issued a written determination by the Executive Director or the municipality to which it is connected that a Permit is unnecessary for the discharge described in the questionnaire.

Where a proposed discharge is believed by DARA to have a reasonable potential for adversely impacting the Sewerage System, DARA may require treatability studies to be performed by the Industrial User on the proposed Wastewater in order to demonstrate its compatibility with the Sewerage System. When such studies are required by DARA, they shall be preceded by the submittal of a treatability study plan by the Industrial user to DARA for review and approval. All costs associated of preparing the treatability study plan and performing the treatability study shall be borne by the Industrial User. DARA reserves the right to reject any treatability plan it feels is inadequate to show the treatability of a given Wastewater.

3.2 Qualitative Limits

- A. DARA shall establish Local Discharge Limits regulating the discharge of specific Pollutants to the Sewerage System by Industrial Users. Local Discharge Limits may be established for any substance which is discharged, or likely to be discharged, to the Sewerage System.
- B. Local Discharge Limits may limit concentration, mass, or a combination of the two.
- C. The procedure for the calculation of Local Discharge Limits shall be as recommended by the Approval Authority.
- D. Local Discharge 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 Sewerage System.

- E. Local Discharge Limits applicable to Industrial Users shall be adopted by resolution of DARA. Local Discharge Limits applicable to all Significant Industrial Users shall be included in all Industrial Waste Discharge Permits.
- F. Discharging any Pollutant in excess of a Local Discharge Limit established for that Pollutant shall be a violation of this Resolution.

3.3 Mass Loading Limits

- A. No Industrial Wastewater discharged into the Sewerage System shall exceed the following mass loadings:
 - 1. For Wastewater discharges less than 17,000 gpd on a calendar quarter average,
 - (a) 140 pounds per day of BOD;
 - (b) 140 pounds per day of TSS;
 - (c) 10.5 pounds per day of TKN; and
 - (d) 280 pounds per day of COD;
 - (e) 4 pounds per day of Phosphorus.
 - 2. For Wastewater discharges greater than 17,000 gpd on a calendar quarter average,
 - (a) $8,340 \times Q$ pounds per day of BOD;
 - (b) $8,340 \times Q$ pounds per day of TSS;
 - (c) $625 \times Q$ pounds per day of TKN; and
 - (d) $16,680 \times Q$ pounds per day of COD;
 - (e) $230 \times Q$ pounds per day of Phosphorus;

Where Q is the average monthly flow limit, in units of million gallons per day, set forth in the Industrial Waste Discharge Permit.

3.4 Spills or Slug Loads

- A. All Industrial Users shall provide and maintain at their own expense facilities adequate to prevent an accidental discharge or Slug Load of any substance stored or used at the Industrial User's facilities that, if discharged into the Sewerage System, will violate any of the provisions of Sections 2.1 or 3.2 of this Resolution. Slug Control Plans shall be submitted, as requested, to the municipality to whose sewer system the Industrial User is connected and DARA, detailing the facility plans and operating procedures to be utilized by the Industrial User for this protection. Slug Control Plans shall contain, at a minimum, the following information:
1. A description of discharge practices, including non-routine discharges; description of stored chemicals;
 2. Procedures for immediately notifying the Executive Director and the municipality to whose collection system the Industrial User is connected of accidental discharges and Slug Loads into the sewer system;
 3. Procedures to prevent adverse impacts from such discharges and procedures to prevent reoccurrence of all such discharges.

All existing Industrial Users shall also provide the Authority with a copy of its Slug Control Plan, or demonstrate to the satisfaction of DARA that such a plan is not needed, within 180 days of the adoption of this Resolution. Industrial Users proposing to connect to the Sewerage System after the effective date of this Resolution shall submit a copy of its Slug Control Plan to the municipality to whose sewer system the User will connect and to DARA for approval, or demonstrate to the satisfaction of DARA they are not needed, before connection to the Sewerage System. Review of such plans and operating procedures shall not relieve the User from the responsibility to modify the User's facility as necessary to meet the requirements of this Resolution.

In addition, where an Industrial User plans or becomes aware of a change in its method of operation that may affect its potential to create a slug load to the public sewer system the User shall notify DARA and the municipality to whose sewer system the User is connected of the change so that DARA may reevaluate the need for a Slug Control Plan from the User.

- B. In the case of a Slug Load to the Sewerage System of any Pollutant, the Industrial User shall immediately notify by telephone the Executive Director and the municipality to whose collection system the User is connected of the incident. The notification shall include information regarding the location of the discharge, the kind of pollutants involved, the concentration and volume of the discharge and corrective actions planned or taken.
- C. Within five (5) days following a Slug Load, the Industrial User shall submit to the municipality to whose sewer system the User is connected, and to the Executive Director, a detailed written report describing the cause of the discharge and the measures to be taken by the User to prevent similar future occurrences. Such notification shall not relieve the Users of any liability on account thereof.
- D. A notice shall be permanently posted by each Industrial User on a bulletin board or other prominent place advising employees whom to call in the event of an accidental discharge or Slug Load. Employers shall inform all employees who may cause or allow a Slug Load to occur, of the emergency notification procedure.

3.5 National Categorical Pretreatment Standards

If the National Categorical Pretreatment Standards, located in 40 CFR Chapter I, Subchapter N, Parts 405-471, for any Industrial User are more stringent than limitations imposed under this Resolution for Industrial Users in that subcategory, then the Pretreatment Standards shall apply and are hereby incorporated in this Resolution. DARA shall notify all affected Industrial Users of the applicable [reporting] requirements under 40 CFR, Section 403.12. If an Industrial User, subject to a National Categorical Pretreatment Standard, has not previously submitted an Application for an Industrial Waste Discharge Permit, the User shall apply for a Permit within 90 days of promulgation of the National Categorical Pretreatment Standard.

3.6 Dilution Prohibition

Except where expressly authorized to do so by an applicable Pretreatment Standard or Pretreatment Requirement, no Industrial User shall increase the use of process water, or in any other way attempt to dilute a discharge as a partial or complete substitute for adequate treatment to achieve compliance with a Pretreatment Standard or Requirement. DARA may impose mass limitations (in addition to those imposed under Section 3.3) on Users in cases where the imposition of mass limitations is appropriate.

3.7 State Requirements

State requirements and limitations on Industrial Wastewater discharges shall apply in any case where they are more stringent than Federal requirements and limitations or those in this Resolution.

3.8 DARA's Right of Revision

DARA reserves the right to establish more stringent limitations or requirements on discharges to the Sewerage System.

3.9 Industrial Waste Discharge Permits

A. General

1. No Significant Industrial User shall connect to or discharge Wastewater to the Sewerage System without an Industrial Waste Discharge Permit. Non-significant Industrial Users may also be required to have an Industrial Waste Discharge Permit depending on the nature and quantity of their discharge, subject to the Authority's discretion.
2. Industrial Users that are not required by the Authority to have an Industrial Waste Discharge Permit may discharge Industrial Wastewater to the Sewerage System, but are required to comply with all other provisions of this Resolution. If an Industrial User makes changes to the processes, flow, Wastewater concentration, Wastewater characteristics, or other operations reported in the most recent Industrial Waste Discharge Questionnaire filed by the User with DARA, User shall immediately upon becoming aware such a change has occurred, or ninety (90) days prior to such a change if it is planned, notify DARA and the municipality to whose sewer system the User is connected of the change and a determination will be made by the Authority whether the change(s) necessitate the issuance of an Industrial Waste Discharge Permit to the User.

3. Where an Industrial User, subject to a newly promulgated National Categorical Pretreatment Standard, has not previously submitted an application for an Industrial Waste Discharge Permit, the User shall, within 90 days after the promulgation of the application National Categorical Pretreatment Standard:
 - a. Obtain an Industrial Waste Discharge Permit; and
 - b. Provide the baseline monitoring information required by 40 CFR 403.12 (b). This information shall be incorporated into the application for an Industrial Waste Discharge Permit.

B. Permit Application

1. All Industrial Users shall file with the municipality whose sewer system it is connected or is proposing to connect, a complete and accurate Industrial Waste Discharge Permit application in the form prescribed by DARA.
2. The application for an Industrial Waste Discharge Permit shall be fully completed and verified in writing by the Industrial User, or a duly authorized and knowledgeable officer, agent or representative thereof. The application shall contain in units and terms appropriate for evaluation, such scientific or testing data, or other information, as may be required by DARA or the municipality to whose sewer system the Industrial User is proposing to connect and shall pay an application fee and shall reimburse DARA and the said municipality all expenses incurred as a result of the processing of the signed application. DARA shall have, at its discretion, the right to inspect the premises, equipment and material, and laboratory testing facilities of the applicant.
3. Notwithstanding the above, the applicant shall provide the following minimum information to the municipality to whose sewer system it is proposing to connect:
 - a. Name and address of the User; name, title, and telephone number of responsible official; name, title, and phone number of person to contact for information about the Industrial Waste discharge.

- b. Description of the industry and the manufacturing processes or operations that occur there and the types of products that are produced.
- c. Applicable Standard Industrial Classification Codes for activities conducted at the facility.
- d. Statement on whether the industry is subject to compliance with National Categorical Pretreatment Standards and which ones apply.
- e. Indication and description of the sources of or the processes that produce Industrial Wastewater.
- f. Wastewater constituents and characteristics as required by DARA and as determined by a reliable analytical laboratory; sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to Section 304 (g) of the Act and contained on 40 CFR, Part 136, as amended. If the discharge is from a proposed new discharge, Wastewater characteristics shall be estimated;
- g. Volume of Industrial Wastewater to be discharged to the Sewerage System and the methods of measuring same. Flow volume information shall include the time and duration of the discharge and the average daily and thirty (30) minute peak Wastewater flow rates including monthly, and seasonal variations, if any;
- h. Description of any Wastewater treatment facilities or processes used or proposed to be used to treat the Industrial Wastes prior to their discharge to the Sewerage System.
- i. Schematic flow diagram showing the existing and proposed sources of Industrial Wastewater and the on-site treatment processes.
- j. The quantity of sludge removed from the system and their method and location of disposal.

- k. Description of any other wastes that are removed from the system, their quantities, and methods and locations of disposal.
 - l. List of raw materials used or stored on the premises, their Material Safety Data Sheets, their approximate quantity of usage on a monthly basis, and what they are used for.
 - m. Plans and specifications for a sampling manhole.
 - n. A list of any additional environmental control permits held by or for the facility, such as air quality permits, RCRA permits, stormwater management permits, etc.
 - o. Such additional information as the municipality or DARA shall request.
4. The Industrial Waste Discharge Permit application shall be reviewed by the municipality to whose sewer system the Industrial User is proposing to connect, and if acceptable, submitted to the Executive Director for review. The Executive Director will review the application and make a determination as to whether a Permit will be required for the discharge.

No Industrial Waste Discharge Permit shall be issued to an Industrial User whose discharge of materials to sewers, whether shown upon the application or determined after inspection and testing conducted by the municipality or DARA, is not in conformance with Federal, State, municipality, or DARA statutes, or resolutions. If an application is denied, the Executive Director shall state in writing the reason or reasons for denial, and said written communication shall be delivered to the municipality and the applicant.

5. If the Executive Director denies an application for an Industrial Waste Discharge Permit, the DARA Board shall review the denial, provided the Industrial User gives written notice requesting the review, with appropriate support information within thirty (30) days after receipt of the denial. The DARA Board shall review the Industrial Waste Discharge Permit application, the written denial, and such other evidence and matters as the applicant shall present at its next regular meeting following receipt of the User's request for the

review. The Board's decision shall be provided to the User within ten (10) days of the meeting and shall be final.

6. If, based on the characteristics of the Industrial User's waste discharge, additional Pretreatment and/or operation and maintenance procedures are required to meet any DARA, municipal, State or Federal Pretreatment Standards, the User shall submit to DARA, prior to issuance of the Industrial Waste Discharge Permit, the shortest, reasonable schedule by which the User will provide such additional Pretreatment. DARA shall include an acceptable compliance schedule in the User's Industrial Waste Discharge Permit. The completion date in this schedule shall be no later than the compliance date established by EPA for the applicable National Categorical Pretreatment Standards. The following conditions apply to this schedule:
 - a. The schedule shall contain increments of progress in the forms of dates for the commencement and completion of major events leading to the construction and operation of additional Pretreatment required for the Significant Industrial User to meet the applicable Pretreatment Standards (e.g., hiring an engineer, completing preliminary plans, completing final plans, executing contract for major components, commencing construction, completing construction, etc.).
 - b. No increment shall exceed nine months.
 - c. Not later than fourteen (14) days following each date in the schedule and the final date for compliance, the Industrial User shall submit to the DARA and the municipality to whose sewer system it is connected a report including, as a minimum, whether or not it complied with the increment of progress to be met on such date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the User to return the construction to the schedule established. In no event shall more than nine (9) months elapse between such progress reports to DARA and the municipality.

C. Permit Modifications

As soon as possible following the promulgation of a National Categorical Pretreatment Standard, the Industrial Waste Discharge Permit of Users subject to such standards shall be revised, if necessary, to require compliance with such standard within the time prescribed by such standard.

D. Permit Conditions

1. Industrial Waste Discharge Permits shall be expressly subject to all provisions of this Resolution and all other applicable regulations, resolutions, user charges and fees established by DARA and municipality to whose sewer system the Industrial User is connected. Permits shall contain the following:
 - a. Effluent Limits, including Best Management Practices, based on applicable general pretreatment standards in 40 CFR, Part 403, categorical standards, local limits, and state and local law;
 - b. Requirements for submission of technical reports or discharge reports, including the information to be contained and the signatory requirements of these reports;
 - c. Requirements for maintaining and retaining plant records relating to Wastewater discharge as specified by DARA, including compliance records with regard to effluent limits and any Best Management Practices, and affording DARA and the municipality to whose sewer system the Industrial User is connected access thereto;
 - d. Requirements for notification of DARA and the municipality in advance of any new introduction of Wastewater constituents or any substantial change in the volume or character of the Wastewater constituents being introduced into the Sewerage System;
 - e. Requirements for notification of slug discharges;
 - f. List of prohibited discharges;

- g. Statement of duration of the permit;
- h. Notification of the rules regarding transferability;
- i. Notification of penalties provided for noncompliance; and
- j. Specifications for monitoring programs which may include sampling locations, frequency of sampling, number, types and standards for tests and reporting schedule.
- k. Right of entry requirements for authorized representatives of DARA and the municipality to whose sewer system the User is connected.
- l. Indemnification of DARA and the municipality on account of the discharge.

Permits may also contain other requirements, including but not limited to:

- m. Limits on the average and maximum rate and time of discharge or requirements for flow regulation and equalization;
 - n. Requirements for installation and maintenance of inspection and sampling facilities and pretreatment facilities;
 - o. Compliance schedules; and
 - p. Other conditions as deemed appropriate by DARA or the municipality to whose sewer system the Industrial User is connected to ensure compliance with this Resolution, municipal ordinances or other requirements.
2. Issuance of an Industrial Waste Discharge Permit in no way relieves the Industrial User from any liability on account of its discharge into the Sewerage System, whether discharge is permitted thereby or not.

E. Permit Duration

Industrial Waste Discharge Permits shall be issued for a one-year period. If DARA or the municipality to whose sewer system the Industrial User is connected elects not to cancel the permit on or before its anniversary, the permit will automatically renew itself for another period of one (1) year upon payment by the User of the applicable permit renewal fee, however in no case shall a permit duration exceed five years before it is reissued. The terms and conditions of the permit shall be subject to modification by DARA or the municipality during the term of the permit. The User shall be informed of any proposed changes in its permit at least thirty (30) days prior to the effective date of change. DARA and the municipality shall use their best efforts to inform the User at least sixty (60) days prior to the effective date. In the event that such changes require major changes in Pretreatment by the User, and the User's failure to comply with the amended discharge requirements does not itself or with other failures to comply put DARA or the municipality in substantial danger of violating any agreement, permit, regulation or law, then the User shall be allowed a reasonable period of time to comply with the changes provided the User requests a time extension and submits to DARA and the municipality an implementation schedule acceptable to DARA and the municipality within the sixty (60) day period.

F. Permit Transfer

Industrial Waste Discharge Permits are issued to a specific Industrial User for a specific operation. An Industrial Waste Discharge Permit shall not be reassigned or transferred or sold to a new owner, new User, different premises, or a new or changed operation without the approval of DARA and the municipality to whose sewer system the Industrial User is connected. The succeeding owner or User shall also comply with the terms and conditions of the existing Industrial Waste Discharge Permit.

G. Waste Characteristic Change

Any Industrial User who plans or becomes aware of a change in the method of operation or in the Pretreatment facilities which will increase the concentration of Pollutants which are regulated by this Resolution or the volume of Wastewater discharged to the Sewerage System, shall notify DARA and the municipality to whose sewer system the User is connected of the change at least ninety (90) days prior to such change. If required by DARA or the municipality, the Industrial User shall apply for an

Industrial Waste Discharge Permit that reflects the proposed changes. The new Industrial Waste Discharge Permit will be subject to a fee to reimburse DARA and the municipality for all expenses incurred as a result of the processing of the permit. Approval or denial of a new Industrial Waste Discharge Permit shall be regulated by the procedures established hereunder for the issuance of an original permit.

H. Files

The Authority and municipality to whose sewer system the Industrial User is connected shall maintain files in which copies of all Industrial Waste Discharge Permits, revisions thereto, and supporting data will be filed for reference. Files shall be maintained for a period of at least five (5) years. This period of retention shall be extended during the course of any unresolved litigation regarding the User or the DRWPCC or when requested by DARA, the Director of EPA or the Regional Administrator of EPA.

3.10 Reporting Requirements for Industrial Users

A. Compliance Date Report

Within ninety (90) days following the date for final compliance with applicable National Categorical Pretreatment Standards or, in the case of a New Source, following commencement of the introduction of Wastewater into the Sewerage System, any Industrial User subject to National Categorical Pretreatment Standards shall submit to DARA and the municipality to whose sewer system the User is connected 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 from these process units in the User's facility which are limited by such Categorical Standards. The report shall state whether the applicable Categorical Standards are being met on a consistent basis and, if not, what additional operations and maintenance and/or Pretreatment are scheduled to bring the User into compliance with the applicable Categorical Standards. This statement shall be signed by an Authorized Representative of the User and certified by a Qualified Professional.

B. Periodic Compliance Reports

1. Each permitted Industrial User shall submit to DARA and the municipality to whose sewer system it is connected, during the months of April, July, October and January, or as specified in the User's Industrial Waste Discharge Permit or by DARA, a complete and accurate report indicating the nature and concentration of Pollutants in the discharge during the reporting period which are regulated by the Industrial Waste Discharge Permit. All monitoring data obtained for purposes of determining compliance with the Industrial Waste Discharge Permit by certified analytical techniques must be reported by the User. In addition, this report, where applicable, shall include a record of all daily flows which, during the reporting period, exceeded the maximum daily flow listed in the Industrial Waste Discharge Permit. At the discretion of DARA and in consideration of such factors as high or low flow rates, holidays, budget cycles, etc., DARA upon written request from the User, may agree to alter the months during which the above reports are to be submitted. The report shall also contain the following certification statement signed by the Authorized Representative of the 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 the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

2. DARA may impose mass limitations where the imposition of mass limitations is appropriate. In such cases, the report required by Section 3.10.B.1 of this Resolution shall state the mass of pollutants regulated by Categorical Standards in the Industrial User's discharge to the Sewerage System. These reports shall contain the results of sampling and analysis of the discharge, including the flow and the nature and concentration, or production and mass where requested by DARA, of Pollutants contained therein which are limited by the applicable

Pretreatment Standards. The frequency of monitoring shall be prescribed in the User's Industrial Waste Discharge Permit. All sampling and analysis shall be performed in accordance with procedures established by the EPA pursuant to section 304(g) of the Act and contained in 40 CFR, Part 136 and amendments thereto or with any other test procedures approved by the EPA.

3. For Categorical Industries that have mass limits as Categorical Standards, DARA may specify equivalent concentrations to regulate the strength of the Industrial User's discharge. If concentration limits are regulated in lieu of mass discharge limits, the User must provide DARA with the following information as part of each compliance report:
 - a. For the reporting period, the rate of production of the process for which Categorical Standards have been established.
 - b. The average Wastewater flow rate, generated by the regulated production activity for the reporting period.
 - c. Thirty days (30) notice of any anticipated change in production.

4. The Industrial Wastewater discharged into the Sewerage System shall be sampled and analyzed by and at the expense of the Industrial User, and copies of the original laboratory reports listing the results of the analyses and the analytical methods used shall be submitted to DARA and municipality to whose sewer system the User is connected, with the User's periodic compliance report required in Section 3.10.B.1, of this Resolution. In cases where the Standard requires compliance with a Best Management Practice or pollution prevention alternative, the User shall submit documentation as required by the Control Authority or the applicable Standards to determine compliance with the Standard. Frequency of sampling and analyses shall be quarterly, or as specified by the Industrial Waste Discharge Permit or DARA.

Unless otherwise stated in the Industrial Waste Discharge Permit, all samples are to be time composite samples for the period of discharge or for twenty-four (24) hours, whichever is less, with sampling intervals of not more than one (1) hour. The samples shall be analyzed for the substances and characteristics required by the User's Industrial Waste Discharge Permit and shall be

representative of the conditions occurring during the reporting period. The User shall follow the proper sample preservation and analysis techniques detailed in 40 CFR 136 or other approved techniques approved by DARA.

5. All records and information resulting from the monitoring activities required by the Industrial Waste Discharge Permit shall be retained by the Industrial User for at least five years. This period of retention shall be extended during the course of any unresolved litigation regarding the User or the DRWPCC or when requested by DARA or the Director of EPA or the Regional Administrator of EPA.

C. Baseline Monitoring Report

1. Where a Significant Industrial User, subject to a newly promulgated National Categorical Pretreatment Standard, has not previously submitted the baseline monitoring information required by 40 CFR 403.12 (b), the User shall, within 180 days after the promulgation of the applicable National Categorical Pretreatment Standard, provide this information to DARA. The report shall include all items required by 40 CFR 403.12(b).
2. A New Source, or a User proposing to discharge wastes into the Sewerage System that is subject to a National Categorical Pretreatment Standard, shall submit to DARA the baseline monitoring report required by 40 CFR 403.12 (b) at least 90 days prior to commencement of discharge from the regulated process or facility.

D. Non-complying Discharge Report

If sampling performed by an Industrial User indicates a violation of this Resolution, an applicable Pretreatment Standard, or the User's Industrial Waste Discharge Permit, the User shall notify DARA and municipality to whose sewer system the User is connected, within 24 hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to DARA and the municipality within 30 days after becoming aware of the violation.

3.11 Monitoring Facilities

- A. All Permitted Industrial Users shall provide and operate, at their own expense, monitoring facilities to allow inspection, sampling, and flow measurement of its Industrial Waste discharge. The monitoring facility should normally be situated on the User's premises, but the municipality to whose sewer system the User is connected may, when such a location would be impractical or cause undue hardship on the 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. The monitoring facility shall be constructed in accordance with plans and specifications approved by DARA and the municipality to whose sewer system the Industrial User is connected or is proposing to connect. There shall be ample room in or near such 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 User. The facility shall be located as to be accessible at all times to persons authorized by DARA or the municipality. By obtaining an Industrial Waste Discharge Permit, the User consents to the entry upon its land, and agrees to facilitate such entry, by representatives of DARA and the municipality, and consents to the use of the monitoring facility for observation, sampling, and measuring of the Wastewater discharge at all time. Construction of the monitoring facility shall be completed within one hundred twenty (120) days following issuance of the Industrial Waste Discharge Permit.

3.12 Inspection and Sampling

DARA or the municipality to whose sewer system the Industrial User is connected may inspect the facilities of the User. Persons or occupants of premises where Wastewater is created or discharged shall allow DARA or its representative, or the municipality or its representative ready access at all reasonable times to all parts of the premises for the purpose of inspection, sampling, records examination and copying or in the performance of any of their duties. DARA, the municipality, and EPA shall have the right to set up on the Industrial User's property such devices as are necessary to conduct sampling inspection, compliance monitoring and/or metering operations. Where a User has security measures in force which would require proper identification and clearance before entry into their premises, the User shall make necessary arrangements with its security guards so that upon presentation of suitable identification, personnel from DARA, the municipality, or EPA will be permitted to enter, without delay.

3.13 Pretreatment

- A. All Industrial Users shall provide necessary Pretreatment and flow-equalizing facilities as required to comply with this Resolution and shall achieve compliance with all applicable National Categorical Pretreatment Standards within the time limitations as specified by the appropriate federal regulations. Any facilities required to pre-treat or flow-equalize Wastewater to a level in compliance with the provisions of this Resolution shall be provided, operated, and maintained at the User's sole expense. Detailed plans showing the Pretreatment facilities and operating procedures shall be submitted to DARA and the municipality to whose sewer system the User is connected, for review before construction of the facility. The review of such plans and operating procedures will in no way relieve the User from the responsibility of modifying the facility as necessary to produce an effluent in compliance with the provisions of this Resolution. Any subsequent changes in the Pretreatment facilities, flow-equalizing facilities, or method of operation shall be reported to and be approved by DARA and the municipality prior to the User's initiation of the changes.
- B. An Industrial User may allow a Bypass which does not cause Pretreatment Standards to be violated, but only for essential maintenance to assure efficient operation. If the User knows in advance of the need for a Bypass, it shall submit prior notice to DARA and the municipality to whose sewer system it is connected, if possible, at least ten (10) days before the date of the Bypass. A User shall give oral notice of an unanticipated Bypass that exceeds applicable Pretreatment Standards to DARA and the municipality within twenty-four (24) hours from the time the User becomes aware of the Bypass. A written report shall also be provided within five (5) days of the time the User becomes aware of the Bypass. The written report 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.
- C. All records relating to compliance with Pretreatment Standards and Pretreatment Requirements shall be made available to officials of the EPA upon request.

- D. DARA and the municipality to whose sewer system the Industrial User is connected shall have access to all such Pretreatment facilities and flow-equalizing facilities as required by this Resolution at all reasonable times for purposes of inspection and testing.
- E. The municipality to whose sewer system an Industrial User is connected shall reimburse DARA for all of its expenses incurred as a result of review, monitoring, application processing, sampling, or any other activities conducted by DARA and directly related to ensuring the Industrial User's compliance with the provisions of this Resolution.

3.14 Hazardous Waste Discharge Notification

- A. An Industrial User discharging any quantity of waste to the Sewerage System, which, if otherwise disposed of, would be an acute hazardous waste under 40 CFR 261, shall provide a one-time notification to DARA, the EPA Region III Waste Management Division Director, and the State hazardous waste authorities.
- B. The notification required by Section 3.14.A of this Resolution shall include the name of the hazardous waste as set forth in 40 CFR 261, the EPA hazardous waste number, the type of discharge (continuous, batch, or other), and a certification that the Industrial User has a program in place to reduce the volume and toxicity of hazardous wastes generated to the degree it has determined to be economically practical. If the User discharges more than 100 kilograms of such waste in a month to the Sewerage System, the notification shall also include an identification of the hazardous constituents contained in the waste, as estimation of the mass and concentration of such constituents discharged during the month, and an estimation of the mass of constituents expected to be discharged by the User to the Sewerage System during the following 12 month period.
- C. If an Industrial User discharges a non-acute hazardous waste under 40 CFR 261 to the Sewerage System, the User shall provide the one-time notification described in Section 3.14.B, if the total mass of hazardous waste discharged to the Sewerage System during any month exceeds fifteen kilograms.

3.15 Confidential Information

- A. Information and data on an Industrial User obtained from reports, questionnaires, permit applications, permits, notifications, and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the User specifically requests in writing and is able to demonstrate to DARA's satisfaction that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the User.
- B. When requested by the person furnishing a report, those portions of a report that have been accepted by DARA as confidential, 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 Resolution, the NPDES Permit, State Disposal System permit and/or the State or Federal Pretreatment Programs; provided, however, that such portions of any report shall be available for use by the State or any state agency in judicial review or enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics will not be recognized as confidential information.
- C. When information accepted by DARA as confidential is transmitted to any governmental agency by DARA, a notification to the Industrial User shall be provided by DARA listing the confidential information transmitted, and the governmental entity requesting the information.

3.16 Measuring Volumes of Wastewater

- A. The flow volume used to determine Wastewater flows and Surcharges shall be specified in the Industrial Waste Discharge Permit and be based on:
 - 1. Direct Wastewater metering, or
 - 2. Metered water use, or
 - 3. Such other method acceptable to DARA.

- B. The municipality shall require that each Industrial User connected to its sewer system and issued an Industrial Waste Discharge Permit install and use any meter or measuring device specified therein at the User's own expense. The municipality shall be responsible for the reading of all meters or measuring devices. DARA may read the meters from time to time at its discretion. The meters and devices shall be made available for meter reading at any reasonable time.

3.17 Charges and Fees

The Authority may adopt through separate Resolutions charges and fees for implementing and enforcing the pretreatment program, including:

- A. Fees for reimbursement of the costs of setting up and implementing the Industrial Pretreatment Program;
- B. Fees for monitoring, inspections, and sampling associated with the Industrial Pretreatment Program;
- C. Fees for reviewing accidental discharge procedures and construction plans;
- D. Fees for review of permit applications;
- E. Fees associated with the review of permit appeals;
- F. Fees for consistent removal by the Authority of pollutants otherwise subject to federal pretreatment regulations;
- G. Other fees the Authority may deem necessary to carry out the requirements contained herein.

These fees relate solely to the matters covered by this Resolution and are separate from any and all other fees chargeable by the Authority or municipalities to which the User is connected.

SECTION 4. ENFORCEMENT

4.1 Significant Non-compliance

DARA will publish on an annual basis in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the DRWPCC a list of those Industrial Users which, at any time during the previous 12 months, were in Significant Noncompliance as defined in this Resolution

4.2 Immediate Suspension by Municipality of Discharge Presenting Imminent Danger by Any User

A municipality shall order the suspension of discharge of Wastewater by any User when so directed by DARA. DARA may direct such a suspension when such suspension is necessary, in the opinion of DARA, in order to stop an actual or threatened discharge which presents an imminent danger or harm to people or to the environment or of Interference ("Dangerous Discharge").

Any User notified of an order to suspend shall comply therewith immediately. In the event of a failure of the User to comply voluntarily with the suspension order, the municipality to whose sewer system the User is connected shall take such steps as it deems necessary and, if directed by DARA, as directed by DARA, including immediate severance of the sewer connection, to effect the suspension of discharge of the User's Wastewater into the Sewerage System. The municipality shall permit reinstatement of the discharge upon proof satisfactory to itself and DARA of the elimination of the imminent and substantial danger referred to above. The User shall submit a detailed written statement to DARA describing the causes of the actual or threatened discharge and the measures taken to prevent any future occurrence within 15 days of the date of the first such discharge or threat of discharge.

Nothing herein shall be construed to prohibit DARA from seeking injunctive relief hereunder or at common law or taking other enforcement action in connection with a Dangerous Discharge.

4.3 Termination of Service of Any User

Any User who violates any condition of this resolution, applicable State and Federal regulations or an Industrial Waste Discharge Permit if applicable is subject, in addition to any civil or criminal penalties which may be imposed, to having his service terminated and/or his Industrial Waste Discharge Permit revoked.

4.4 Notification of Violation by any User

Whenever DARA or a municipality to whose sewer system a User is connected finds that the User has violated or is violating this Resolution, an Industrial Waste Discharge Permit, or any prohibition, limitation or requirements contained herein, or has failed to provide the Executive Director with the information needed to accurately determine compliance with any Pretreatment Standard or Requirement, the municipality or DARA may, and the municipality at the direction of DARA shall, serve upon such Person a written notice of violation. The notice may require a response in the form of a plan, explanation, compliance schedule, or other appropriate response within a specified time period. Compliance with any such requirement is mandatory.

4.5 Legal Action by Municipalities

If any User violates the provisions of this Resolution, Federal or State Pretreatment Requirements, or any order related to sewer service of the municipality to whose sewer system the User is connected, the municipality may and, at the direction of DARA shall, commence an action for appropriate legal and/or equitable relief in the Court of Common Pleas of this county.

4.6 Enabling Ordinance

Each municipality shall, within 90 days after adoption of this Resolution, enact an ordinance imposing the discharge restrictions (and require compliance with Industrial Waste Discharge Permit), charges, and reporting and monitoring requirements no less stringent than those set forth in Sections 2 and 3 hereof on all Users within its jurisdiction and establishing procedures for compliance with Section 4 hereof. Each such ordinance shall be amended as necessary to the same effect within 60 days after any amendment to this Resolution.

4.7 Civil Penalty Assessment Policy for Industrial Users

DARA shall adopt a formal, written civil penalty assessment policy from time to time and make the same available to the public. Industrial Users participating in the pretreatment program (the "Pretreatment Program") established under Section 3 of this Resolution shall be given notice of the policy.

4.8 Procedure for Assessment of Civil Penalties Against Industrial Users

The Executive Director may recommend civil penalties against any Industrial User who violates a provision of this Resolution or its Industrial Waste Discharge Permit, that is in Significant Non-compliance, or which fails to respond adequately to any Notice of Violation issued by the Executive Director, in accordance with the DARA Civil Assessment Policy. In assessing such penalties, DARA shall provide the non-complying User with the opportunity to show cause why a civil penalty pursuant to Section 5.3 hereof should not be assessed. Notice shall be served upon the Industrial User specifying the time and place of a hearing to be held by DARA for that purpose. Notice shall be served at least twenty (20) days before the hearing by any means permitted under the rules of court of the Commonwealth of Pennsylvania.

If the hearing is held, the DARA Board or its designated "hearing officer" (which may be a Board member, its solicitor, consulting engineer or a DARA employee other than the Executive Director) will conduct the hearing and take evidence thereat, and shall proceed to:

1. Issue in the name of DARA 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; and
3. Transmit a report of the evidence and hearing including transcripts and other evidence, together with recommendations to DARA for action thereon.

Testimony at the hearing shall be under oath and recorded. A transcript shall be made available to anyone upon payment of the charges therefore.

After the hearing, if the hearing was before the Board of DARA or, after receipt of the report of evidence and hearing together with the recommendation of the hearing officer, DARA may assess a civil penalty as set forth herein.

Notice of such assessment shall be sent to the Industrial User against whom the assessment has been made together with a description of the applicable appeals process, including the name, address, and telephone number of the person responsible for accepting an appeal.

4.9 Injunctions Against Violations of Pretreatment Standards

DARA may seek injunctive relief against the violation of any Pretreatment Standard in any of the following circumstances:

1. A discharge from an Industrial User presents an imminent danger of substantial harm to the DRWPCC or the public.
2. A discharge from an Industrial User presents an imminent or substantial endangerment to the environment.
3. A discharge from an Industrial User causes DARA to violate any condition of its NPDES permit.
4. An Industrial User has shown a lack of ability or intention to comply with a Pretreatment Standard.

DARA may also seek injunctive relief against any violation of Section 3 hereof or otherwise to the extent permitted by law.

In any such proceeding, DARA may seek to collect any civil penalties, assessed, pursuant to Section 5.3 hereof, and unpaid.

SECTION 5. PENALTIES

5.1 Fines to be Established by Municipalities for Violation by any User

Each municipality shall, within ninety (90) days of the adoption of this Resolution, enact an ordinance which provides that any User who is found to have violated the Ordinance specified by 4.5 hereof may be fined up to one thousand dollars (\$1,000) for each offense. Each day on which a violation shall occur or continue shall be deemed a separate and distinct offense.

5.2 Action To Enforce Municipalities' Ordinances Applicable to any User

Each municipality shall at the direction of DARA take any action permitted by law to enforce any ordinance enacted pursuant to Sections 4.5 or 5.1 of this Resolution.

5.3 Civil Penalties for Violations by Industrial Users

Any Industrial User who violates any substantive or procedural provision of Section 3 hereof or any term or condition of any Industrial Waste Discharge Permit may be assessed a civil penalty by DARA not to exceed \$25,000 per day for each violation. Each violation for each separate day shall constitute a separate and distinct violation. Notwithstanding the foregoing, a single operational upset which gives rise to simultaneous violations shall be treated as a single violation.

5.4 Uses of Civil Penalties Collected by DARA

Civil penalties collected pursuant hereto shall be placed in a restricted account and shall only be used for the repair of damage and any additional maintenance needed or any additional costs imposed as a result of the violation for which the penalty was imposed, to pay any penalties imposed upon DARA by the federal or state government for violation of Pretreatment Standards, for the costs incurred by DARA to investigate and take enforcement action that resulted in a penalty being imposed, for the monitoring of discharges in a Pretreatment Program, and for capital improvements to the DRWPCC which may be required by a Pretreatment Program. Funds remaining in the restricted account after the foregoing uses have been met may be used for capital improvements to the DRWPCC.

SECTION 6. EFFECTIVE DATE

This Resolution shall become effective immediately upon adoption.

SECTION 7. VALIDITY

The provisions of this Resolution are several and if any provision or part thereof shall be held illegal, invalid or unconstitutional, it shall not affect or impair any remaining provisions or parts of this Resolution. This Resolution would have been adopted if such invalid or unconstitutional provisions had not been included therein. All resolutions or parts of resolutions inconsistent herewith are hereby repealed to the extent of the inconsistency.